



Annual Report 2009

**WAFAQI MOHTASIB (OMBUDSMAN)
OF
PAKISTAN**



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**ANNUAL REPORT
2009**

Wafaqi Mohtasib (Ombudsman)'s Secretariat

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Acronyms

ADB	Asian Development Bank
AIOU	Allama Iqbal Open University
AJP	Access to Justice Programme
AOA	Asian Ombudsman Association
CCO	Children Complaint Office
CDNS	Central Directorate of National Savings
CNIC	Computerized National Identity Card
CDA	Capital Development Authority
CMIS	Complaint Management Information System
FESCO	Faisalabad Electric Supply Company
GEPCO	Gujranwala Electric Supply Company
G.P. Fund	General Provident Fund
HBFC	House Building Finance Corporation
HESCO	Hyderabad Electric Supply Company
ICT	Information Communication Technology
IESCO	Islamabad Electric Supply Company
IOs	Investigating Officers
IOI	International Ombudsman Institute
IT	Information Technology
KESC	Karachi Electric Supply Company
KW	Kilowatt
LESCO	Lahore Electric Supply Company
LUMS	Lahore University of Management Sciences
MEPCO	Multan Electric Supply Company
MIS	Management Information System
NADRA	National Database Registration Authority
NEPRA	National Electric Power Regulatory Authority
NIC	National Identity Card
NICOP	National Identity Card for Overseas Pakistanis
NOC	No Objection Certificate
NRSC	National Registration Services Centre
NWD	Nation-Wide Dialling
NWFP	North West Frontier Province
OGRA	Oil and Gas Regulatory Authority
PCB	Pakistan Computer Bureau
PEPCO	Pakistan Electricity & Power Company
PTA	Pakistan Telecommunication Authority
PESCO	Peshawar Electric Supply Company
PLI	Postal Life Insurance
PO	President's Order
PRS	Premium Rate Service
PTCL	Pakistan Telecommunication Company Limited

QESCO	Quetta Electric Supply Company
REACH	Responsive, Enabling, Accountable Systems for Children Rights
RETA	Regional Technical Assistance
SLIC	State Life Insurance Corporation
SNGPL	Sui Northern Gas Pipeline Limited
SPGRM	Strengthening Public Grievance Redress Mechanism
SSGCL	Sui Southern Gas Company Limited
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
WAN	Wide Area Network
WAPDA	Water and Power Development Authority

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Islamabad, 29th March, 2010

Dear Mr. President

In pursuance of the requirement under Article 28(1) of the Establishment of the Office of the Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O.No.1 of 1983), I submit to you the Wafaqi Mohtasib (Ombudsman)'s annual report for 2009.

2. The efforts of the Wafaqi Mohtasib's office to sustain gains achieved through previous initiatives, alongwith further improvements introduced during the year, have given heartening results as is evident from the key indicators of service delivery by the organization.

3. Upgrading the human resource in the organization continued during the year. The framing of the service rules for the office personnel and regularizing the service of eligible temporary employees has contributed significantly to the morale in the organization. The focus on capacity building measures was sustained during the year through training activities and consistent counselling. Priority was also given to more citizen friendly approaches and to creating enhanced awareness by engaging closer with civil society organizations and other stakeholders.

4. The disposal timeframe of 90 days was pursued vigorously during the year. Cases disposed of within this timeframe stood at 48% of the total complaints decided during the year, which was a significant improvement over the figures of 28% in the year 2008. Against the disposal target of 40 cases per month per investigation officer, the average monthly disposal by each investigation officer was 43 cases. The figure for implemented cases was 88% as compared to 75% in 2008.

5. During the year under report, 798 representations were filed against the Wafaqi Mohtasib's findings to the President out of which the President upheld 77% of the findings represented against. In number of decisions of the President, basic principles were enunciated which established useful parameters for better complaint handling approaches.

6. We shall endeavour to further improve upon the organization's performance in 2010 as there remains considerable scope to do so. We are confident that we shall, with your support Mr. President, be able to meet such challenges on our way to improving the quality of our service to the citizens of Pakistan.

Yours sincerely

Javed Sadiq Malik

Mr. Asif Ali Zardari
President,
Islamic Republic of Pakistan

FOREWORD

The reform efforts in the Wafaqi Mohtasib's Office gathered considerable momentum in the year 2009. With the help of multilateral agencies such as the UNDP, ADB and UNICEF, and with the initiatives taken by the Office itself, activities and measures at enhancing the performance of the office gathered rapid pace.

There was considerable improvement in the systems and processes for dealing with public grievances as well as for creating enhanced awareness and a more citizen friendly service. These efforts and initiatives have paid off very well as is evident from the key performance indicators during the year 2009.

The performance in all areas of the organization's functioning has been commendable. Finalization of investigations by each investigation officer, on average, was higher than before, and close to half the decided cases were disposed of within the target timeframe. Implementation has been more effective as it was actively pursued and resulted in 88% of the year's findings being implemented. Administrative matters were adequately pursued which resulted in the formulation of Service Rules for the organization's personnel that had been pending since the creation of the office. The credit for the enhanced overall performance goes to the entire team of officers and staff working the organization and their contributions are acknowledged.

As performance indicators have improved, we are faced with greater challenges to upgrade them. Now that our initiatives and reform measures are in full swing I am confident that, with the support of the organization's personnel at every level, we shall continue to improve the quality of our service to the general public.

Javed Sadiq Malik
Wafaqi Mohtasib (Ombudsman)

ACKNOWLEDGEMENT

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Management Review

Chapter 1

Upgrading Capacity

Human Resource Development

Building Career Paths

The Wafaqi Mohtasib's Office places great emphasis on the quality of its human resources in view of its direct contact with common citizens who seek free, fair and speedy justice for redressal of their complaints against maladministration of federal agencies. An increasing emphasis on job security and career progression has been placed by the office to promote a culture of a better work ethic for enhanced efficiency and better quality output.

2. The Office has made concerted efforts to formulate and put in place the service rules of its officers and staff during the year and as a result of a long drawn process, the much delayed service rules were eventually approved by the government and notified in June, 2009. These rules are known as (i) Office of the Wafaqi Mohtasib (Ombudsman) Officers' Service Rules, 2009 and (ii) Office of the Wafaqi Mohtasib (Ombudsman) Ministerial Staff Rules, 2009. This has notably helped to improve the morale and motivation of the employees as earlier the institution has been functioning without service rules since its creation in 1983. These rules have also paved the way for the creation of a specialized cadre of investigation officers that will form a core team of professionals and support staff to gradually replace the contractual employees appointed under Article 20 of the Establishment of the Office of the Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983).
3. Initiating the process for career progression of the employees in accordance with the Service Rules 2009, the Departmental Promotion Committee held a meeting in October, 2009 and approved long delayed promotions.

Transparency in Recruitment

4. Considering it a foundation for good administration, the Wafaqi Mohtasib's Office firmly believes in competitiveness and transparency in the process of recruitment of personnel on a regular, as well as on contract, basis under Article 20 of P.O.No.1 of 1983.
5. The Wafaqi Mohtasib is authorized by Article 20 to appoint investigating officers to assist him in the discharge of his duties, such as the registration of public complaints and their investigation. In this regard, the "Guidelines for Appointment of Advisors, Consultants, Commissioners, Experts and Ministerial Staff under Article 20" have been issued to make the appointments in an open, competitive and transparent manner. Under the guidelines, the positions, along with the respective criteria, are advertised in the press as well as on the Wafaqi Mohtasib's website. The two notified committees – a Senior Selection Committee and a Junior Selection Committee- interview the short listed candidates for the positions of investigating officers, and for the members of the ministerial staff respectively. The Wafaqi Mohtasib then accords approval to the recommendations made by the Selection Committees. A similar process

is followed in the case of recruitment of personnel on a regular basis. This procedure is a departure from the previous process of appointments on contract under Article 20 without advertisement.

6. Following the laid down procedure, six investigating officers were appointed under Article 20 during the year 2009. Of these, two investigating officers each were posted at the Regional Offices at Lahore and Multan while one investigating officer each was posted at the Headquarters and at the Regional Office at D. I. Khan. In addition, twelve staff members were recruited on contract.

Regularization of Staff

7. In pursuance of the cabinet's decision of 4th June, 2008, the ministerial staff in BS-1 to BS-15 who were working in the Wafaqi Mohtasib's Secretariat, Islamabad and its eight regional offices on that date on contract were regularized with effect from 1st July, 2008. In all 50 such employees were benefited. This met a long standing demand of senior contract employees.

Regular Contact with Staff

8. As a further step to remain closely in touch with the concerns of employees, the Wafaqi Mohtasib initiated the practice of a yearly schedule of meetings covering all the different groups of ministerial staff. During the year 2009, eight meetings were held with different levels of staff and their issues and problems of collective interest were attended to and efforts were made to address them within the rules and available resources.

Rationalization of Remuneration

9. The exercise to rationalize the remuneration of the employees recruited under Article 20 was also undertaken during 2009. Resultantly, the remunerations were not only brought closer to the corresponding existing pay scales of government servants but were also made comparable with those being offered by other Ombudsman institutions in the federal and provincial governments. The gap in remuneration between one category of investigating officers (Advisers) and the other (Consultants) was also reduced in the interest of reducing disparities between different levels of investigating officers.

Development of Systems

10. Capacity building in terms of skills, knowledge and expertise of manpower, or in the form of upgradation of equipment, significantly contributes towards improving the deliverables of an organization. A public dealing office such as that of the Office of the Wafaqi Mohtasib requires such interventions for effective interaction with the complainants in particular and with the public at large.

11. During 2009, the following two major projects have been executed for capacity building of the Wafaqi Mohtasib's Secretariat:-

- (i) Capacity Building of Wafaqi Mohtasib's Secretariat and its Regional Offices.
- (ii) Data Entry and Digitization of Complaints' Record.

12. These two projects have been funded by the Access to Justice Program (AJP) of the Asian Development Bank.

(i) Capacity Building of Wafaqi Mohtasib's Secretariat and its Regional Offices

The project has facilitated upgradation and strengthening of the existing Complaints Management Information System (CMIS) by way of improving and upgrading the hardware and software components. In addition, other equipment was procured and provided to all the offices of the Wafaqi Mohtasib's Secretariat. This included servers, personal computers, printers, power generators, telephone exchanges and photocopiers. Necessary IT staff was also recruited. This project is scheduled for completion in June, 2010.

(ii) Data Entry and Digitization of Complaints' Record

The project, initiated in 2009, aims at catering to needs such as the creation of a data base of complaints registered at the Office of the Wafaqi Mohtasib since its inception in 1983, preservation of all important official documents, creating a repository of information for researchers and analysts and an easy access to the record in digitized form. The Pakistan Computer Bureau is collaborating with the Wafaqi Mohtasib's Secretariat in the execution of the project.

The four specific components of this project are:

- (a) Year-wise organization of 'Findings' of the Wafaqi Mohtasib.
- (b) Data entry (computerization) of 200,000 complaints registered during the period from 1983 to 1997 i.e. the period prior to the introduction of the Management Information System.
- (c) Indexing and scanning of 400,000 'Findings' of the Wafaqi Mohtasib and all the decisions of the President on representations against the 'Findings'.
- (d) Migration of scanned data on to the new online Complaint Management Information System.

During the year, all the complaint files were organized on a yearly basis and 380,000 'Findings' of the Wafaqi Mohtasib were indexed during 2009.

(iii) Training Programmes

With a view to improve the capacity of the secretarial staff, in-house training and orientation on the Complaints Management Information System (CMIS), initiated in 2008, were also continued in the year 2009.

Complainants Relationship Management

13. In view of its extensive dealing with the public, the office has always placed great stress on continuously improving client relationship in its day to day business. Thus, measures for a more complainant friendly approach were adopted in the year 2009. The standard formats of written communications to the complainants with respect to their complaints were made simpler, easier to understand and more courteous. Their versions in the Urdu language are under translation for use in the future. Further, a quick online response to queries from any citizen was ensured. The Registration Wing of the Office of the Wafaqi Mohtasib, the first and important interface with the public, was made more accessible, efficient and helpful by way of creating an information facility for the general public and a complainant facilitation front desk.

IT Support for Better Management

14. The MIS for IT-enabled operations went into full operation in the first quarter of 2008 and thereafter the system has undergone further enhancement and upgradation. The system now covers several components—including Human Resource, Accounts, Inventory Control and Library Software Applications—but the centre piece is the online Complaint Management Information System (CMIS), which serves as the hub for a streamlined and integrated complaint management processes. From a managerial perspective, it was important to focus first on the CMIS applications as it was an instrument for improving responsiveness to the general public, whereas the other modules of the system were for internal consumption; hence the increased managerial attention on updation of technology to increase the efficiency, speed and performance of the system as well as to minimize the break down time.

15. Considerable efforts have been underway during the year 2009 to bring about a change in the culture and work methods of the Wafaqi Mohtasib's Secretariat so that the organization's personnel begin to use the management information system and rely less on paper work. This effort has now begun to show positive results in terms of faster and a higher volume of disposal.

16. As discussed in the Chapter on **Performance Review**, the average output of each investigation officer has increased during the year and the target disposal time of 90 days has been achieved in close to half the cases disposed of during 2009. The use of CMIS has helped investigation officers as well as the Head Office to monitor the progress of the cases as well as reduce communication time between the Head Office and the Regional Offices.

17. The system has also given a boost to the monitoring of the implementation of the findings of the Wafaqi Mohtasib. The system generates reports on the implementation status as well as identifies late responses from the public agencies.

18. The new online registration module in the CMIS now allows complainants to file their complaints online. This link is available on the new Wafaqi Mohtasib's website and is titled **"Make a Complaint Online"**. Online complaints are still much fewer than those sent through postal means or filed through personal appearances. However, they are beginning to pick up as we publicize more and as the use of IT technology generally goes up in the country.

19. In the first quarter of 2009, the Wafaqi Mohtasib's Secretariat launched another module specifically dedicated to children related complaints to support the Children's Complaints Office which was opened as a part of the Wafaqi Mohtasib Secretariat to attend to complaints against public agencies responsible for the promotion of child and welfare. The module provides all necessary information on this newly created service at the Wafaqi Mohtasib Secretariat, details of which are given later in this report.

Construction of the Wafaqi Mohtasib's Secretariat Building in Islamabad

20. The work on the Wafaqi Mohtasib's Secretariat which was started in April, 2008 by the Capital Development Authority continues to progress in a satisfactory manner. It is being undertaken at a cost estimate of Rs.475 million and the office will have a covered area of 75,000 square feet where it will be housed on a permanent basis.

21. The external structure of the entire building has been completed and presently internal work is in progress.

22. The building is scheduled to be completed during 2010 according to the construction schedule and, when completed, would have facilities such as office rooms for administrative and managerial staff and investigating officers, fully equipped with an IT network, an auditorium,

hearing rooms, record rooms, a complainant facilitation centre, a library and a permanent office of the Asian Ombudsman Association (AOA).

Performance Review

Chapter 2

The Year in Review

Key Indicators

The following key indicators have been adopted for the annual performance evaluation of the organization:-

- The volume of complaint registration.
- Productivity of the investigation officers.
- Achievement of disposal targets.
- Disposal through informal mediation.

The Volume of Complaint Registration

2. The volume of complaints coming in annually has been seen as an important reflection of the confidence the public reposes in the office of the Wafaqi Mohtasib. The volume depends both on the level of awareness of the existence of the office as well as of a public evaluation of the services it provides. Therefore, the two approaches that can be adopted to attract public complaints are adequate publicity and a high quality of service.

3. Publicity is a useful tool for creating awareness and yet may not necessarily instil in the public a confidence in the functioning of the office. Good performance is a more reliable approach to motivate a citizen to bring his grievances to this institution.

4. The office of the Wafaqi Mohtasib has not been able to publicise its existence adequately as publicity in the media is an expensive option and this office has always had a very limited budget to spend on direct publicity. Reliance has to be placed therefore on a suitably high level of performance which creates confidence amongst aggrieved parties that their grievances will be addressed efficiently and in the shortest possible time.

5. The reform measures undertaken since the year 2007, which included a more citizen friendly approach, simplification of processes, setting of standards and targets, increased use of technology and training of personnel, were aimed at instilling confidence in the public so that complainants could approach this institution in increasing numbers. In the annual report of 2008, it was noted that the complaint volume remained at about the same level as in the year 2007. It was observed then that this was so because confidence building measures take time to show results and that as the performance of the Wafaqi Mohtasib's office begins to show consistent improvement in its output in addressing public complaints, an increasing number of people will turn to the office for relief against action of public agencies.

Year	Opening Balance	Received
2005	8,333	15,136
2006	3,889	11,887
2007	5,611	23,290
2008	10,154	23,332
2009	6,139	29,700

Table-1 shows that in 2009 there has been a significant jump in the number of complaints received as compared to the year 2008. Against 23,332 complaints received in the previous year, 29,700 complaints have been received in 2009 which shows an increase of 37% in one year. This increase is an encouraging indicator of the increasing confidence the public has begun to place in the institution of the Wafaqi Mohtasib.

6. Out of the total number of the complaints received, 11.36% were filed by women. In the previous year, this figure was 8.5%. The maximum number of complaints filed by women (5.70%) were filed at the Headquarters. As analysed in the Annual Report 2008, the bulk of the complaints by women are filed in the main office mainly because the institutions against which the women most complain against, such as the AIOU and the Pakistan Bait-ul-Mal, are located in the capital city.

7. As regards the geographic dispersion of the origin of complaints, the districts from which 300 or more complaints were received were: Peshawar (3196), Lahore (2992), Karachi (1374), Rawalpindi (1162), Islamabad (1062), Nowshera (752), Sargodha (669), Faisalabad (890), Mainwali (444), Charsadda (503), Kasur (794), Sheikhpura (623), Hyderabad (465), DG Khan (404), Sukkur (650), Multan (539), Khanewal (337), Gujranwala (482), Naushero Feroz (486), Toba Tek Singh (250), Rahimyar Khan (505), D.I. Khan (228), Jhang (375), Sanghar (324) and Okara (350).

8. The complaints received from these 25 districts constituted 69% of the total complaints received from all over the country.

Productivity of the Investigation Officers

Case Volume Disposal Target

9. With a view to improving the output of the institution, certain standards were put in place in the year 2008. Critical amongst them was a target of disposal of 40 cases per month by each investigation officer. This target was based on the assessment that an investigation officer can perform best with a sustainable work load of approximately 150 cases. With a target of disposal of 40 cases a month and an institution of approximately the same volume in a month, it was assessed that the work load of an investigation officer would remain in the neighbourhood of about 150 cases.

10. In actual fact the complaint volume increased significantly during the year which placed a heavier work load on the investigation officers. Added to this development, was the decision by the Supreme Court of Pakistan to withdraw the judicial officers working in various organizations of government. Consequently 5 judicial officers working as investigation officers in the office of the Wafaqi Mohtasib were withdrawn which further increased the load on the residual number of investigation officers. The positions vacated by the judicial officers could not be filled in a short time. Resultantly, the percentage of work load disposed of by each investigation officer decreased during the year 2009.

Year	Opening Balance	Received	Disposal in limine	Disposal in limine d=c (%)	Admitted	Total Workload (b+f)	Disposal after Investigation*						
							Relief recommended	Closed with relief	Total relief given (h+i)	Closed without relief	Rejected	Total Disposal (j+k+l)	Disposal m ÷ g (%)
a	b	c	d	e	f	g	h	i	j	k	l	m	n
2005	8,333	15,136	8,867	59%	6,269	14,602	8,934	*	*	*	1,779	10,713	73
2006	3,889	11,887	8,431	71%	3,456	7,345	1,507	*	*	*	227	1,734	24
2007	5,611	23,290	5,472	23%	17,818	23,429	11,657	*	*	*	1,731	13,388	57
2008	10,154	23,332	5,753	25%	17,354	27,508	4,105	9,263	13,368	5,287	2,713	21,368	78
2009	6,139	29,700	5,666	19%	24,390	30,529	3,285	10,756	14,041	4,470	2,298	20,809	68

* In 2005–2007, separate data for i, j and k was not compiled.

Table-2 depicts the situation described above. It will be seen that the total disposal of cases during the year 2009 remained at about the same level as in the year 2008. This is despite the fact that the number of investigation officers had been reduced while the work load of each investigation officer had gone up considerably owing not only to the raised volume of the new institution of cases but also because of the withdrawal of 5 judicial officers.

11. The average output per investigation officer was 40 cases per month in the year 2008. In the year 2009, the average output went up to 43 cases per month i.e. beyond the target given. Despite this increase in productivity, the disposal of the total volume of the work load was 68% as compared to 78% in 2008 mainly because of the developments described above.

12. Table 3, derived from Table 2, sums up the data on total disposal, relief and rejection.

Description	2005	2006	2007	2008	2009
Total Findings Signed	10,713	1,734	13,388	21,368	20,809
Relief Recommended after Investigation	-	-	-	4,105	3,285
Percentage of Relief Recommended	-	-	-	19%	16%
Closed with Relief	-	-	-	9,263	10,756
Percentage of Closed with Relief	-	-	-	43%	52%
Total Relief Cases	8,934	1,507	11,657	13,368	14,041
Percentage of Relief Cases	83%	87%	87%	63%	68%
Closed without Relief	-	-	-	5,287	4,470
Percentage of Closed without Relief	-	-	-	25%	21%
Rejected	1,779	227	1,731	2,713	2,298
Percentage of Rejected Cases	17%	13%	13%	37%	11%

13. Table 4 gives the average work load and the average disposal per investigation officer. As discussed above, the average annual work load at the end of the year stood at 763 cases per I.O. despite which was far higher than the work load of 611 cases per investigation officer at the end of 2008. The figure for the average work load was higher despite the increased average monthly

disposal rate of 43 cases per investigation officer and is attributable to a combination of a radically high number of cases registered in 2009 and a reduction in the number of investigation officers.

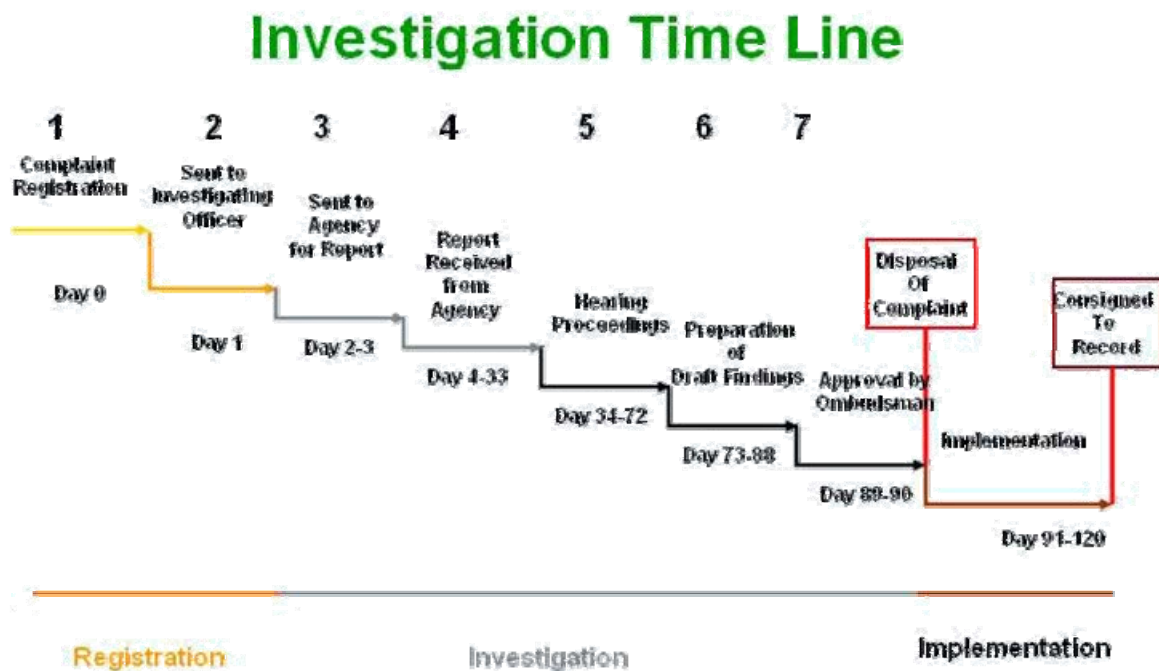
Table 4 Average Workload and Disposal per Investigating Officer						
Office / Description		2005	2006	2007	2008	2009
H.O.	Workload / No. of IOs	3165/9	1871/8	4448/7	4616/8	5089/7
	Average workload Per IO	352	234	635	577	727
	Disposed of	2203 / 9	667 / 8	2525/7	3906/8	3590/7
	Average Disposal Per IO	245	83	361	488	513
Lahore	Workload / No. of IOs	2869/12	1427/12	4609/11	5052/9	6444/8
	Average workload Per IO	240	119	419	561	806
	Disposed of	2082 / 12	133 / 12	3405/11	4177/9	3888/8
	Average Disposal Per IO	174	11	309	464	486
Karachi	Workload / No. of IOs	2084/7	1189/6	2010/6	2245/4	2676/4
	Average workload Per IO	298	170	335	561	669
	Disposed of	1408 / 7	566 / 6	1261/6	1668/4	1794/4
	Average Disposal Per IO	201	94	210	417	449
Peshawar	Workload / No. of IOs	3295 /9	771 /8	5910 / 7	6986/10	6455/8
	Average workload Per IO	362	96	844	699	807
	Disposed of	2697 / 9	109 / 8	3274 /7	5237/10	4836/8
	Average Disposal Per IO	299	14	468	524	605
Quetta	Workload / No. of IOs	192 / 1	136 / 1	307/ 1	406/1	611/1
	Average workload Per IO	192	136	307	406	611
	Disposed of	144 / 1	8 / 1	237 /1	311/1	464/1
	Average Disposal Per IO	144	8	237	311	464
Sukkur	Workload / No. of IOs	3536 / 4	673 / 3	1720 / 2	2285/3	2578/3
	Average workload Per IO	884	224	860	762	859
	Disposed of	874 / 4	45 / 3	685 /2	1891/3	1788/3
	Average Disposal Per IO	219	15	342	630	596
Multan	Workload / No. of IOs	907 / 1	661 / 2	2190 / 2	2529/4	3032/4
	Average workload Per IO	907	661	1095	632	758
	Disposed of	498 / 1	41 / 2	987 /2	1776/4	1994/4
	Average Disposal Per IO	498	21	494	444	499
Faisalabad	Workload / No. of IOs	811 / 3	482 / 2	1760 / 3	2559/5	2593/4
	Average workload Per IO	270	241	587	512	648
	Disposed of	658 / 3	157 / 2	730 /3	1880/5	2038/4
	Average Disposal Per IO	219	79	243	376	510
D. I. Khan	Workload / No. of IOs	231 /1	135 / 1	479/ 1	829/1	853/1
	Average workload Per IO	231	135	479 / 1	829	853
	Disposed of	149 / 1	8 / 1	284 /1	522/1	372/1
	Average Disposal Per IO	149	8	284	522	372
Overall	Workload / No. of IOs	14602 / 47	7345 / 43	23429/ 40	27507/45	30529/40
	Average workload Per IO	311	171	586	611	763
	Disposed of	10713 / 47	1734 / 43	13388 /40	21368/45	20809/40
	Average Disposal Per IO	228	40	335	475	520
	Average Disposal /IO/ Month	19	3	28	40	43

Time Limit Target

14. The other important standard that was set in the year 2008 to raise productivity was the target of disposal of a case in 90 days.

15. The prescribed period was segmented into specific stages and a time line was specified each of them. Figure 1 shows the investigation and the time lines.

Figure 1 Investigation Time Line



16. Table 5 gives the progress in meeting this target timeframe in 2009 with a comparison of achievement in the previous years. It will be readily seen that the number of cases disposed of within the time frame of 90 days has gone up appreciably and, on an average, close to half the complaints filed were finalised within the target time. By 2009, we had come a long way since the year 2005 when only 4% of the complaints filed were disposed of in 90 days.

Year	Within 3 months	Within 6 months	Within 1 year	More than 1 year
2004	2%	20%	37%	41%
2005	4%	28%	37%	31%
2006	3%	10%	22%	65%
2007	19%	33%	24%	24%
2008	28%	32%	32%	8%
2009	48%	35%	14%	3%

17. As is evident, if the separately shown complaints disposed of in 6 months, i.e. 35% are also taken into account, then as many as 83% of the aggregate complaints were finalised within a period of six months.

18. While this notable improvement in the disposal time can be attributed to the monitoring and tracking initiatives and measures described earlier, an equally important initiative was the increased emphasis on resolving complaints through the conciliatory process.

Settlement by Agreement and Conciliation

19. The role of the Ombudsman as laid down in the preamble of the Establishment of the Office of the Wafaqi Mohtasib (Ombudsman)'s Order, 1983, is to diagnose, investigate redress and rectify any injustice done to a person through maladministration. The formal procedure for processing of complaints is laid down in Chapter-III of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2003. The procedure involves calling of reports from the Agency followed by a rejoinder from the complainant. If the dispute is not resolved on the basis of the available record, a hearing is conducted and findings recorded.

20. The other option available to the Ombudsman is to resolve the issue through conciliation. As a conciliator the Ombudsman aims at narrowing the differences in the perception of the parties to the dispute. He explores potential solutions which could bring about a negotiated settlement of the issues. He acts as an enabler and a facilitator. This obviates the requirement of lengthy investigations and consumes less time. The outcome is more satisfactory to both parties. The time taken to dispose of the complaint is considerably reduced in the process. Such cases are disposed of through the issue of closure findings.

Figure 2 Closure Findings

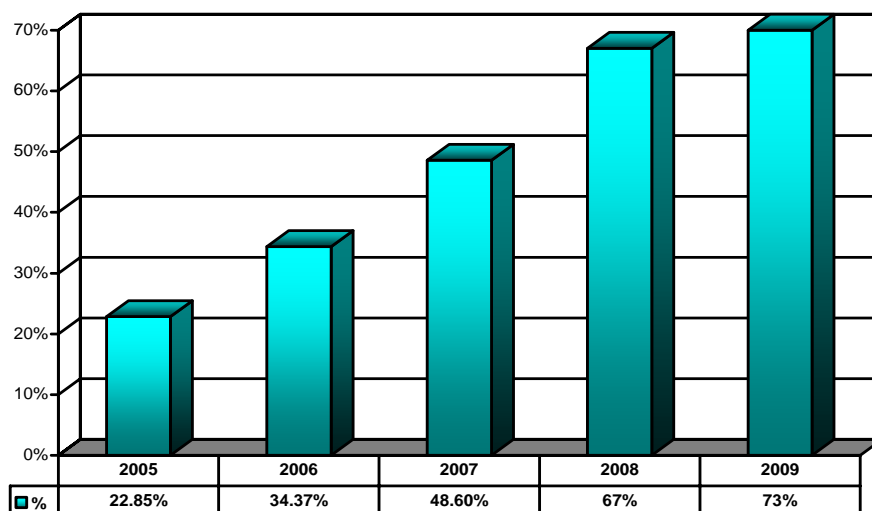
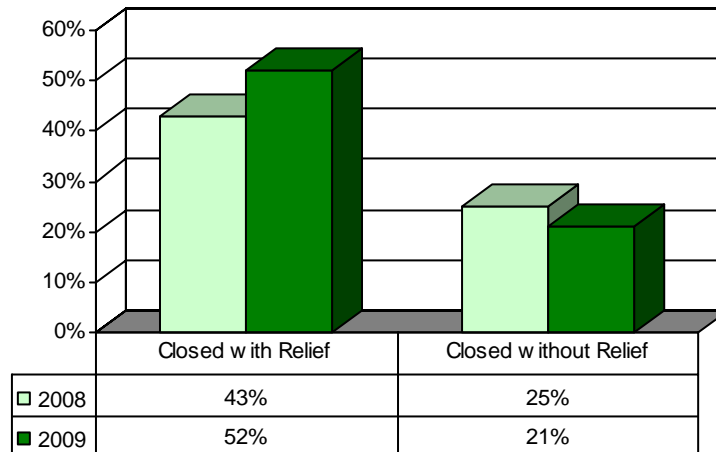


Figure 2 shows the number of cases resolved through closure findings during the year increased from 22.85% in 2005, which was a little less than one fourth of the total findings issued, to 73% in 2009.

21. All closure findings however do not reflect that they were the result of reconciliation as findings are also closed because of considerations such as lack of jurisdiction or lack of pursuit of cases by complainants. Therefore, from the year 2008, it was decided to keep a separate record of the closures that came about on the basis of relief being extended to a complainant as a consequence of agreement and reconciliation between the parties.

Figure 3 shows that the percentage of cases closed on the basis of relief in the year 2008 was 43% and without relief it was 25%. During the year 2009 the percentage of cases resolved through reconciliation went up to 52% which highlights the outcome of the emphasis placed by the Wafaqi Mohtasib's Office on mediation.

Figure 3 Closed with Relief and Without Relief



Representations against Findings and their Disposal

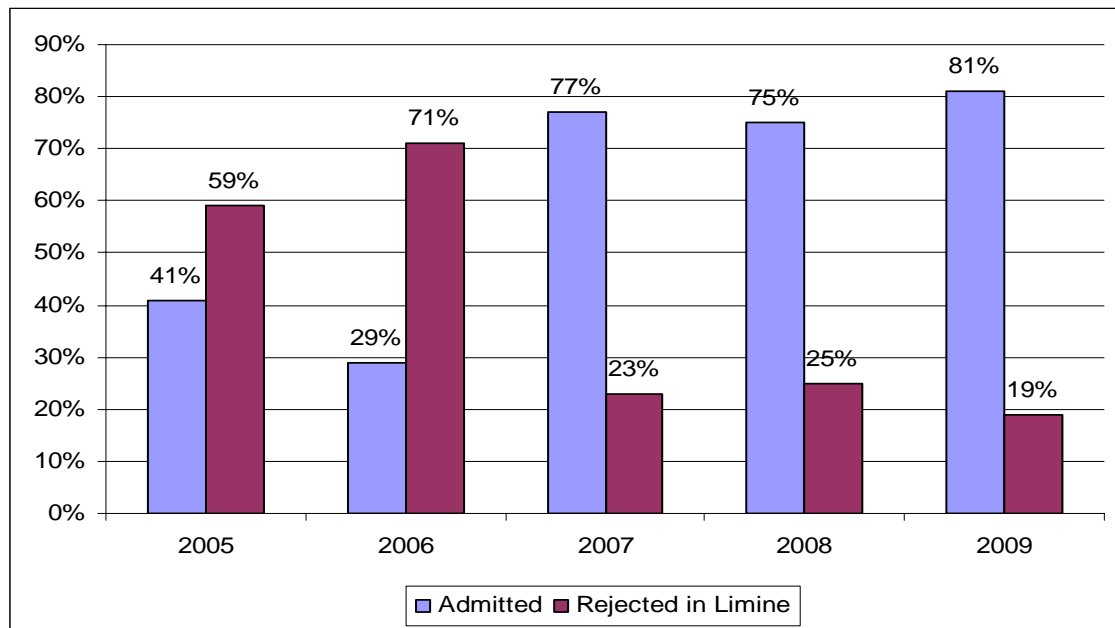
22. Any party aggrieved by the findings of the Mohtasib can file a representation to the President under Article 32 of P.O. No.1 of 1983. An important measure of the quality of findings is the number of representations upheld by the President. 20,809 findings were issued in 2009. 798 representations were filed which was almost 4% of the disposal. Out of 597 decisions received during the period, 460 i.e. 77% were given in favour of the Wafaqi Mohtasib's recommendations. Table 6 gives the details on the President's decisions.

Table 6 Representation Filed and Decision Received from the President (2005-2009)					
Description	2005	2006	2007	2008	2009
Total Findings Issued	10,713	1,734	13,888	21,368	20,809
Representations Filed	698	192	423	729	798
Percentage appealed against the Findings	6.5%	11%	3%	3%	4%
Total Decisions Received	1,080	495	188	341	597
Total Representations Accepted	318	117	46	80	137
Percentage Accepted	29.4%	23.6%	24.4%	23%	23%
Total Representations Rejected	762	378	142	261	460
Percentage Rejected	70.6%	76.4%	75.5%	77%	77%

Rejection *in Limine*

23. Figure 4 shows the rate of rejection *in limine* in 2009.

Figure 4 Complaints Accepted/Rejected *in Limine*



24. In the wake of the high rate of rejections at the registration stage during the years 2005 and 2006, particular attention was paid to address this issue. Consequently, the Registration Wing has been revamped which is now providing a more friendly and courteous service to the clients.

25. Every complaint is minutely examined in the Registrar's office and only those cases are rejected *in limine* which do not fall strictly within the jurisdiction of the Wafaqi Mohtasib. Otherwise the complainants are asked to complete minor deficiencies during process of investigation. In addition concerted efforts are being made to raise the public awareness level with regard to the scope and procedure for filing complaints. With these efforts, the quantum of complaints liable for rejection *in limine* has come down considerably.

26. The overall rate of rejection *in limine* has dropped to 19% during the year 2009 which is the lowest during the last 5 years.

Chapter 3

Volume and Causes of Complaints Against Major Agencies

The organisations listed in Table-7 below attracted the maximum number of complaints during the year in relation to the delivery of their services to the citizens.

Table 7 Volume of Admitted Complaints against Major Agencies					
Agency	2005	2006	2007	2008	2009
WAPDA(PEPCO)	2,181	508	10, 179	9,855	11287
SNGPL-SSGCL	196	65	1,253	1,794	2529
PTCL	1,015	708	1,190	1,154	666
AIOU	353	317	683	894	897
NADRA	394	270	435	487	777
Pakistan Post	182	173	351	288	355
SLIC	210	200	242	239	260

2. Complaints are made by the citizens mainly on two main grounds. They may arise against the personnel of an agency on account of their high-handedness, in-efficiency, misuse of authority or corrupt practices. Complaints may also involve public grievances against an agency's oppressive and discriminatory policies.

3. As Table 7 depicts, the volume of complaints against these agencies have generally been on the rise over the years. Power distribution companies have the major share of complaints against them. It is as much as 70.23% of the total complaints against the major agencies. Gas distribution companies are second in the list and complaints against them have risen by 41% during 2009. Complaints against NADRA also show a similar trend of a significant increase i.e. by 59.54% in the year under report. PTCL has, however, shown improvement this year as the number of complaints has gone down to 666 against 1154 last year. Specific causes leading to complaints against these agencies are discussed later in this report.

PEPCO

4. The generation, transmission and distribution of electric power is now regulated by the Generation, Transmission and Distribution of Electric Power Act, 1997. Under this Act, the functions of distribution have been licensed to 9 power distribution companies with distinct regional jurisdictions. These are PESCO (Peshawar), IESCO (Islamabad), GEPCO (Gujranwala), LESCO (Lahore), FESCO (Faisalabad), MEPCO (Multan), HESCO(Hyderabad), QESCO(Quetta) and KESC(Karachi). The National Electric Power Regulatory Authority (NEPRA), established under the 1997 Act, regulates the operations of these companies. These power distribution companies are confronted with various challenges to their services and

revenue collection efforts depending upon their systemic and operational effectiveness. The performance position of each company is reflected by the level of energy losses being suffered by it as shown by the following statistics:-

July – October, 2009*	
IESCO (Islamabad)	6%
PESCO (Peshawar)	35%
GEPCO (Gujranwala)	8%
LESCO (Lahore)	16.4%
FESCO (Faisalabad)	9.5%
MEPCO (Multan)	14.3%
HESCO (Hyderabad)	35.2%
QESCO (Quetta)	14.7%
KESC (Karachi)	33.58%

* Source: PEPCO's monthly Transmission and Distribution Statements (July–October 2009)

5. It is evident that PESCO (Peshawar), HESCO (Hyderabad), KESC (Karachi) and LESCO (Lahore) are losing large amounts of revenue which is caused both by systems losses as well as by theft of energy. Thus in order to meet revenue targets, their field formations have the tendency to indulge in excessive detection billing which generates increasing complaints against them. Hence the largest number of complaints are against these distribution companies.

6. The power distribution companies have not shown a substantially better performance as compared to the old institutional arrangement under the central authority of WAPDA. The systems in place are generally still the same. No noticeable restructuring of administrative and operational strategies appears to be in place. Their procedures and methods of billing have not changed. The operational staff suffers from lack of training and is not fully aware of the relevant laws or the policies of the agencies.

7. Agency officials are either not aware of circulars issued by the competent authority from time to time or give scant importance to their application. During hearing proceedings it has been noted that more often than not the representatives, sometimes at the level of Deputy Manager, show their ignorance about very basic and essential instructions. Most of the complaints, therefore, stem from the ignorance or disregard of rules, procedures and responsibilities by the meter reading personnel against what is required of them in the Manual of Commercial Procedure [CP- P-284 of Policy and Procedure (Electricity Bills and Connections) updated as of 30.09.2004]. Most of the meter readers feel that their duty is restricted to recording the meter reading. Even the Line Superintendents and their supervisors are not aware of all the duties for meter reading. The prime reason is that these functionaries are not familiar with the relevant instructions.

8. The system of internal accountability continues to be weak. Although the power distribution companies are commercial organisations, they have not yet attained the standard of efficiency associated with corporate entities. On the contrary, they still function like government departments. The instructions to complete all disciplinary proceedings within one year of the retirement of the employees do exist but these are not being practised. Cases of this nature are delayed for years. The natural consequence is that malpractices continue with impunity.

Complaint volume

9. Table-8 gives the statistics of receipt of complaint against power distribution companies.

Office	Number of complaints (2008)	%	Number of complaints (2009)	%
Islamabad (Head Office)	427	4%	483	4%
Lahore	2241	23%	3313	29%
Karachi	534	5%	697	6%
Peshawar	3966	40%	3970	35%
Quetta	47	0.4%	49	0.4%
Sukkur	823	8%	1221	10.8%
Multan	932	9%	466	4%
Faisalabad	482	5%	839	7.4%
D. I. Khan	403	4%	298	2.6%
Total	9,855		11,336	

10. The table shows that out of the total complaints against power distribution companies in 2009, 35% pertain to PESCO which is the highest percentage as compared to the other companies. PESCO has jurisdiction over the whole of NWFP. Its territorial jurisdiction includes a large area adjacent to the tribal areas where the Agency has not been able to effectively control power theft. In many cases, meter readers do not visit the sites regularly and prepare meter leafs while sitting in their offices. Due to high tariff rates coupled with weak purchasing power, most of the consumers, especially in the comparatively unsettled areas, indulge in theft of energy through direct connections from the Agency's main system. The agency's officials find it convenient to issue excessive and unjustified detection bills to cover the loss of revenue which only generates more complaints.

11. The ills that afflict PESCO are numerous and call for major reform efforts. However these drawbacks cannot be isolated from the overall law and order situation in the country apart from the social milieu in the province. Some of these problems are enumerated below:-

- (i) Electric energy has been extended to far fetched areas and in these disturbed times it is virtually impossible for the employees of the Agency to monitor its proper use.
- (ii) In these times, when a large part of the province is un-policed and there is a breakdown of law and order, it is difficult for an honest and dutiful worker of the Agency to disconnect supply of energy from any powerful consumer.
- (iii) The main agency responsible for law and order is the police. The police is so involved in its own problems that it cannot spare its staff to attend to the problems of PESCO. If any PESCO employee reports a power theft to the police he usually finds little support. The police hardly registers FIRs against power stealers with the result that honest employees of the Agency tend to become demoralized.

12. Complaints pertaining to LESCO (Lahore) as well as GEPCO (Gujranwala) received in the Wafaqi Mohtasib's Lahore Office are the next highest in volume. Complaints have increased to 3313 from 2241 last year, which is a 48% increase in one year. This indicates that conditions in these companies are no better. The number of complaints against MESCO (Multan) has

however, significantly gone down this year. Complaints against KESC as usual remain low in number as most of the complainants approach other forums such as the courts.

Most Common Charges

13. The most common charges against the consumers are:
- i) Tampered and broken seals to interfere with the measuring apparatus
 - ii) Drilling hole in the casing, covering or glass of a meter to prevent registering the amount of energy supplied
 - iii) Stealing energy through shunt/loops on the terminal box
 - iv) Direct 'kundas' (Hooking) on LT lines by-passing the measuring apparatus
 - v) Tapping main cable before the meter
 - vi) Jamming or causing the mal-functioning of the meter
 - vii) Burning the meter to destroy recorded consumption
 - viii) Load un-balance
 - ix) Neutral break system or neutral cut
 - x) Stopping or slowing the revolutions of meter disc by magnet
 - xi) Stopping or slowing or reversing the revolutions of the meter disc by changing the phase sequence of meter through artificial electrical circuit
 - xii) Un-authorized enhancement of load

Causes of Complaints

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Excessive / wrong / inflated billing / imposition of penalty	3,167	1,823	1,151	297	7,458	6,978	7831	7583	9,799	9654
Disconnection	77	15	68	11	218	176	154	123	148	141
Delay in providing connection	143	22	163	28	246	203	205	197	277	258
Delay in replacement of defective meter	83	23	94	15	117	98	97	75	149	144
Delay in installation of poles / transformers	94	18	88	17	196	173	207	194	278	258
Others	845	280	751	140	2,896	2,551	2,202	1,678	1249	881
Total	4,409	2,181	2,315	508	11,131	1,0179	10,696	9,855	11,900	11,336

14. As is evident from the data of complaints given in Table 9, excessive, wrong and unjustified detection billing remains the main source of complaints against the power distribution agencies. The trend of complaints in this area since 2005 shows a sharp increase each year (2006 was an exceptional year because for some time complaints against electricity and gas companies were directed to NEPRA and OGRA. Entertainment of such complaints was, however, resumed in 2007).

15. During the year 2009, complaints on this account have risen by 27.31% over the previous year. During the investigation of complaints it has been noted that agency officials frequently do not record meter readings on a monthly basis and resort to estimated billing. After several months when the consumer is charged the differential through accumulated billing, the current bill has become inflated due to un-billed units of earlier months and attracts higher slab rates. Such conduct on the part of meter readers speaks of weak supervisory controls and lack of accountability in the agencies. Furthermore, detection billing on allegations of theft of energy is frequently made on the basis of physical damage to a meter without obtaining specific findings on whether the meter damage had actually caused the meter to record less energy than being supplied. Detection bills for illegal abstraction of energy can only be issued after it is established that the consumer had actually stolen the energy. Such irresponsible billing places an unnecessary financial burden on consumers generating a volume of complaints that is avoidable.

16. The main categories of complaints against the distribution companies relate to allegations of direct connections from the main service cable, tampered meters with holes, broken seals, changed polarity or interference with the phases and slowness of meters. Maladministration in agencies is normally attributed to the factors noted below:-

i) Meter Readers

The wrong and excessive billing largely stems from the irresponsible behaviour and dishonest attitude on the part of meter readers. It is found that in an unusually large number of cases the meter readers avoid to perform their duties of physically checking the meters. All that they do is to prepare fictitious bills sitting at home. Consumers raise objections on the meter reading and complain that the billed reading and the actual meter reading do not match. The meter readers are accused of recording the meter reading in their offices without visiting the site. This is frequently true as meter readers are required to cover a specified area in a stipulated period of time and in the absence of transport facilities, especially in the rural areas, they tend to take readings after long intervals with the result that the meter reading leaf does not reflect the actual monthly reading. Moreover, the meter reading record, which is the basic document for the Agency to collect revenues from the consumer, is not maintained properly. Sometimes it is impossible to find out the actual reading as it is not recorded in a systematic manner. The agencies rely more on the "Forwarding List" which is prepared for billing purpose and is based on estimated, as opposed to actual, consumption. Thus the agencies circumvent the laid down procedure of assessment by billing the consumer for units not supported by meter readings.

ii) Notices

The attitude of the meter readers needs to undergo a healthy change and the distribution companies need to take firm steps in the matter as nothing short of this can cure this malady. It is also noticed that bills are enhanced arbitrarily to meet some revenue targets. Although notices for alleged illegal abstraction of energy, where required, have to be issued as a legal formality, this requirement is not given any importance by the Agency on the ground that notices are not delivered by the postal department to the consumers in time, especially in the

remote rural areas. Sometimes, the functionaries, without issuing any notice, place an office copy in the file. The same is the case with the detection bills as they are served without associating the consumer in the detection process.

iii) Indifference to Instructions

There is a plethora of instructions on various aspects of supply of energy to the consumers contained in the Electricity Act 1910, and the Electricity Rules 1937 apart from numerous circulars and instructions. But generally the officials right from the meter reader upwards are unaware of the instructions with the result that the consumers have to run around to rectify mistakes committed by the functionaries. In many cases detection bills for illegal abstraction of energy are raised on unverified higher loads deliberately. When the complainant approaches them, they reduce the load factor creating the impression that the consumer has been given credit. There is a need to better educate the functionaries of the Agency on the law and rules governing the operations of the distribution agencies as well as strengthening the accountability process against delinquent officials.

iv) Role of M&T

Quite recently, Wapda has adopted a policy of associating a representative of the M&T Division at the time of conducting raids. After such a raid, a report is issued by the M&T Division, indicating the basis of the allegation against the consumer. In these circumstances, M&T reports lose their impartiality and reliability for which the M&T Division used to be known, when it worked independently. Previously, in case of a slow or a faulty meter, the M&T was required to conduct an independent examination of the disputed meter, and its report had an element of reliability. It is in the fitness of things that the M&T Division's independence is restored and the reports regarding the health of disputed meters are issued by such M&T staff who are not associated with a raiding party.

v) Non-reference to Electric Inspector

Where the health of an electricity meter is in dispute, any of the two affected parties (the distribution agency or the consumer) can refer the matter to the Electric Inspector for a decision. For certain reasons, the officials of the distribution agencies appear to be reluctant to refer such disputed meters to the Electric Inspector. This leads to unnecessary complaints. In this regard appropriate instructions are required to be issued to concerned formations of the agencies in order to ensure compliance with the relevant provisions of law.

vi) Lack of a Standard Policy

In certain areas, there is a lack of a standard policy and the agency officials misuse their discretion without any check. One such example is the period of the detection bill for connections with loads of more than 4 K.W. For consumers with connected loads beyond 4 K.W, no specific formula has been laid down by the Agency regarding the duration over which detection bills can be charged. As such the duration of such bills vary from one month to, say, 24 months, depending upon the whims of the concerned agency officer. This unlimited discretion tends to lead to corrupt practices.

vii) Lodging of FIRs

Excepting for a brief provision in the Agency's Circular No. 133-53/GMCS/DGC/D(R&CP)/56217 dated 08.06.2004, there are no clear cut

instructions on the lodging of an FIR, in cases of power theft. Presently, it is not uncommon that consumers after the detection pressurize consumers to admit theft through an affidavit, failing which they are threatened that an FIR would be lodged with the local police. This misuse of power has resulted in rampant corruption and motivated discrimination. In order to curb this tendency, the matter of lodging of FIRs may be properly regulated, with authority to do so at a proper level, leaving no discretion with lower officials.

viii) Lack of Updation

PEPCO appears to have no policy to oversee proper training of the staff of the distribution agencies before their posting in the field. In certain cases, officials who have so far done only desk work in offices, are posted in the field without proper briefing and training and such officers, due to lack of knowledge of the relevant law and rules, become dependant upon the lower functionaries and cannot take independent decisions. In other cases, even officers who have worked in field for long are not fully conversant with the relevant laws and rules and the frequent circulars issued by the Agency from time to time.

There is a great need also that a “Compendium of Rules and Instructions” published by PEPCO in the form of a book be made available to every officer of PEPCO as well as to the general public on payment. All subsequent modifications and amendments in the rules and regulations which are circulated during each year should also be published in the form of a supplement every year till the next updated publication of the compendium.

ix) Departures from Policy

In case of domestic meters of small consumers, the policy provides that detection bills should not exceed 3 months for a non-A.C premises and 6 months for an A.C. premises. The Agency’s officials, however, generally display an indifference to such limits and serve bills for much longer periods. While charging on account of slow meters, the maximum billing period is 6 months plus one month for replacement of meters, whereas the agency continues to bill consumers indefinitely without replacing the meter. In the case of defective meters, the Agency can only bill prospectively under the law provided the meter is not rendered defective by the consumer. This requirement seems to be unclear to agency personnel as they continue to resort to retrospective billing in such cases in violation of the law and the Agency’s policy.

x) Fresh Connections

In respect of fresh connections, it has been observed that at present the DMOs maintain two seniority lists i.e. one against the priority allotted by the ministers or other public representatives against their authorized quota and the second for the general consumers who have no such access. As a result, the latter category of consumers keep waiting for years for their turn and keep on paying escalation charges through supplementary demand notices. Equity demands that every consumer should be treated at par and only one seniority list be maintained by DMOs for provision of connections in turn. This will also facilitate issuance of demand notices at the appropriate time for provision of connection in time.

xi) Addressing Policy Issues

During the year, policy issues of wider implication were examined with a view to identifying ambiguities and deficiencies in existing policies. Some of these issues are discussed below:

(a) *Charging for Air-Conditioners on Fixed Units*

It was noticed that the Agency was charging detection bills for A.C domestic premises on the basis of two separate parameters. Some consumers were billed by charging A.Cs separately on fixed units of 600/900 per A.C. In other cases detection bills for A.C premises were being prepared on a combined connected load (by including the A.Cs load). Such method of detection billing was found discriminatory as on the same quantum of energy use the two methods could give different results in terms of the units to be charged.

Following discussion with the Agency on the subject, it has since issued instructions to its field formations to charge A.Cs on the basis of general load and load factor and the load factor should be adopted in a judicious manner keeping in view certain defined parameters.

(b) *Shifting of Poles and Transformers*

A frequent complaint pertained to shifting of poles and transformers. The increasing number of demands in respect of the shifting of electricity poles is due to the haphazard and unplanned growth in the urbanization process leading to construction of houses at sites where the electric infrastructure was installed sometime back. The owners of such property ask the Agency for the removal of such poles or lines in proximity to their land or dwellings. The Agency generally demands payment to meet the cost of shifting such poles.

The legal position in such case was closely examined. The Electricity Act, 1910, does contain provisions for the Agency to place poles etc. but it does not contain any provision in the matter to remove poles. However, Section 51 of the Electricity Act, 1910, provides that the Provincial Government may delegate to WAPDA the same powers for placing of appliances and apparatus for the transmission of energy which the telegraph authority possesses in Part-III of the Telegraphs Act, 1885.

These powers have since been delegated to WAPDA by the former West Pakistan government vide a notification dated 23-6-1961. Section 10 of the Telegraphs Act, 1885, empowers the Authority to place appliances and apparatus/works or posts under, over or along any land, road etc. Section 13 provides that where any line, post or works are situated on a property of a local authority such as a street, a road etc. managed or controlled by it, and if local authority considers it desirable to remove it or alter its position, it may ask the Agency to do it and the Agency will relocate it without charging any expenses. Section 17 (1) of the Act says that where a property is privately owned, and the owner wishes to remove the line or post to another part of his premises, the Agency can charge the applicant if he had received compensation at the time the Agency's infrastructure was erected on his land. If the owner had received such compensation he will have to pay the amount of expenses or 50% of the amount of the compensation, whichever is lesser. In case, an owner

wishes to shift a pole outside his property, section 17 does not provide any answer to this issue. In such a case, the presumption is that the applicant will have to pay the entire cost of shifting of the pole to the Agency.

Complaints associated with the shifting of the agency's infrastructure from sites of property owners show an increasing trend over the years. A major contributory factor for this is the expanding population and the increased use of land, especially in the urban areas, for housing. This pressure on urban land has led to demands that space be made available by removal of the agency's infrastructure. In this matter both the citizen as well as the agency has certain rights which are reflected in the law. However, some ambiguities are evident as the laws were framed a long time ago when realities on the ground in terms of population pressures, the demand for housing and the value of the land were significantly different.

With a view to having a fresh look at the issue in terms of its legal dimensions, this office raised the points given below that needed attention in the interest of clarity and better governance in such matters:

- Whether compensation under Section 10(d) of the Telegraph Act, 1885, is payable in every case where the poles/lines are laid down over a private property, or only in case of damage to property?
- If no compensation was payable, or if payable was not paid for the reason that the owner of property had not demanded it, whether the agency is required to shift the poles/line at its own cost, in terms of proviso to Section 17(1) of the Telegraph Act, 1885.
- Whether the owner of a property can demand removal/shifting of poles/line outside his property, in terms of the provisions of Section 17(1), or he can only demand shifting/removal to another part of his property or to a higher or lower level or altered in form?
- If the agency fails to comply with the requisitions made under Section 17(1), can the concerned person file a complaint to this office seeking direction to the agency to comply with the requisition, or he has to apply to the District Magistrate (or his current substitute) under section 17(2) and only the latter can issue such directions under section 17(3)?
- Whether the provisions of section 17 are covered by the order dated 6.6.1961, issued by the Provincial Government?; and
- Whether the aforesaid order is also applicable to the electricity distribution companies?

To deliberate on these legal issues, a joint committee comprising the personnel of PEPCO and the Wafaqi Mohtasib's office has been set up which is expected to firm up its views on these issues by the first quarter of 2010. Thereafter, the proposal for carrying out modification in the

existing legislation will be proposed to remove ambiguities and bring the law in conformity with the current situation on the ground.

(c) *Providing of Commercial Connections to Individual Owners of Shops in a Plaza*

This issue has given rise to a number of complaints. Applicants for such connections insist that they should be accommodated from a nearby general distribution transformer whereas the Agency's view is that where a commercial building consists of five or more shops, it would be treated as a commercial plaza and an independent transformer would be required as per policy. On a representation by a complainant, the President has ruled that the dispute between a complainant and the Agency on this issue should be determined under NEPRA's Consumer Eligibility Criteria, 2003 and if these regulations do not answer the issue, NEPRA should examine and decide the issue.

As the Consumer Eligibility Criteria does not cover this issue, the matter was referred to NEPRA for advice in the light of the terms and conditions for supply of energy to individual consumers. NEPRA's response is that the policy on the terms of supply of energy is under formulation, and therefore, this issue should be presently addressed in the light of the existing policy of the distribution companies. Pending a policy formulation in this regard by NEPRA, these cases are being examined accordingly.

(d) *Misuse of Domestic Tariff*

It was noted that the Agency had issued two circulars on this subject one dated 27.11.1986 and the other dated 5.7.1999, and they contained separate policy guidelines on the same subject. . The circular dated 27.11.1986 provided that in case domestic tariff is found being used for commercial purposes, the consumer should be given one month's notice for obtaining a separate commercial connection and if he does not apply for a separate meter, his connection can be disconnected after a 7 day notice. On the other hand, the circular dated 5.7.1999 provides a 7 day notice for change of tariff and if he does not get it changed, his connection can be disconnected. On the point of billing, on commercial basis for a domestic connection being misused for commercial purpose, the circular dated 27.11.1986 provides for a maximum billing of 06 months including pre and post detection periods. On the other hand, the circular dated 5.7.1999 does not give any policy on the period of billing. This ambiguity and conflict between the two circulars has been brought to the notice of the Agency and it has been asked to decide on a clear and unambiguous policy in the matter of charging for misuse of domestic tariff.

(e) *Discontinuation of Subsidy on Agricultural Tubewells in Quetta*

In the year 2002, the Federal Government approved a subsidy scheme for agricultural tube-wells. It was decided that WAPDA would charge consumers on a flat rate of Rs.4000 per month and deduct the same from the total subsidy bill. As regards the remaining amount it would be shared between the Federal Government, the Provincial Government and WAPDA in the ratio of 40%, 30% and 30% respectively. In the year

2006, it was decided by the government that with effect from 1-7-2006, subsidy would not be given to new connections. However, those who had made the payment for demand notices upto 31-5-2006 would be able to avail the subsidy.

This office, during the investigation of complaints, noticed that the Agency had discontinued subsidy even in the cases of even those tube-wells which were already approved for the subsidy and where bills were being paid as such. The Agency also declined to allow subsidy to those applicants who had deposited demand notices upto 31.05.2006. On account of this, a number of complaints were received during the year against the Agency.

It was noted that the Agency officials failed to correctly understand the policy instructions issued by the Chief Executive Officer of QESCO vide his letter dated 26-6-2006. Such complaints have been decided by this office in the light of the Agency's policy as contained in their letter dated 26-6-2006 and the Agency has been advised to withdraw and cancel all unlawful bills and to allow subsidy to those who were entitled to it as per the Agency's own policy.

(f) Supplementary Demand Notices – Connections for Agricultural Tubewell

A number of complaints were received during the year pointing out that the Agency had issued additional demand notices despite the fact that tube-well connections stood installed and energised after payment of the original demand notices was duly made. The Agency's stance has been that the cost of the material and equipment had in fact increased by the time the connection was installed but the Agency could not charge the escalated price earlier. During investigation of such complaints, it was noted that the Agency issues demand notices without verifying whether the material or equipment required for tubewell connections was available in their stores. The delay in installation of connections is explained by the agency on the basis of non-availability of the requisite material. However, the time gap between the issue of the original demand notice and the installation of the tube well connections has generally been noted to be quite large.

The demand for the difference in the demand notice arises for the following reasons:-

- The connection is energized after a year or so after payment of the first demand notice and in the meanwhile the costs of the material get inflated.
- Priorities maintained by the distribution companies get disturbed because of political influences. Those who are not on the company's priority list are relegated to a lower priority and are asked for difference of cost.

When the connection is installed after several months, the price of the material purchased by the stores department stands increased. Even at this stage, the Agency instead of charging the difference in cost before installation, omits to do so. Such discrepancies are generally pointed out by its audit wing while carrying out the periodical audit. It is at this point

that Agency comes into action and issues supplementary demand notices which draw strong protest from the agricultural tubewell owners.

Consumers in most cases draw loans from the banks to deposit the amount demanded in the demand notice with the expectation that they would get their tube well connection within a certain period as given in the WAPDA schedule. Unfortunately the connections are not provided for years due to which the cost of material escalates and consequently, consumers suffer on three accounts:

- They have to pay the markup for the amount drawn from the bank.
- They get low yields due to non availability of the tubewell connections.
- They are asked to bear escalation charges mainly due to the delay caused by the Agency.

Complaints against such matters were earlier decided by this office on the principle that after payment of the original demand notice a contract comes into existence between the applicant and the Agency. The Agency was, therefore, not entitled to ask for any additional amount after the connection had been installed and energised. However, in a decision dated 30-7-2009 in Complaint No. L/768/2007, the President has ruled that the matter of supply of energy is no more regulated by the law of contract but is regulated by statutory regimen established under the Generation, Transmission and Distribution of Electricity Power Act, 1997 and the terms and conditions of power distribution licence and regulations made by NEPRA. The President further observed that if this matter is not answered in the aforesaid regulations and terms and conditions of power distribution licence, the case may be referred to NEPRA for examination and appropriate decision. In the absence of a clear policy on this matter such cases are being transferred to NEPRA for disposal. However, such cases need to be covered by a clear policy and it is expected that in its forth coming policy document, all such matters will be addressed by NEPRA.

(g) Powers of the Electric Inspector

It was observed that the Electric Inspectors were deciding even such cases which involved dishonest abstraction of the energy whereas as per provisions of section 26 (6) of the Electricity Act, 1910 their jurisdiction is confined to matters where the accuracy of a meter is in dispute. A clear finding in this respect has been given by the President in his Order dated 13.04.2009 in Complaint No. H/9355/07 as under:-

“It appears that the dispute between the complainant and the Agency was not regarding the question of whether the meter was registering correct consumption or not. The dispute was regarding dishonest abstraction of energy by preventing the meter from registering correct consumption. Such disputes cannot be decided by the Electric Inspector (PLD 2006 SC 328 and 2004 SCMR 1679). The Electric Inspector has no jurisdiction to decide the dispute, as the proper forum to decide the complainant’s

grievances is the civil court or the Office of the Wafaqi Mohtasib.”

This decision has thus clearly defined the limits of jurisdiction of the Electric Inspector and removed any ambiguity in this matter.

KESC

17. The number of complaints against the KESC has increased significantly during the year 2009. The main issues involved in complaints against KESC were:

- Excessive billing.
- Unjustified detection charges.

18. KESC has been notoriously slow in its the response to complaints. A major factor has been the frequent changes in the management at the zone levels of the Agency. It has been undergoing a process of frequent changes so that the responding levels are not always able to explain the Agency’s view point resulting in delay in the disposal of the cases. It seems it will take some time before the Agency settles down to reforming its management structure. Meanwhile constant efforts are made to deal with the personnel in a manner that promotes early response and action for the timely settlement of complaints.

19. A major deficiency in the KESC’s system of addressing complaints is the lack of a comprehensive detection policy. The last policy was issued on July 9, 2002 and has not been revised or updated. WAPDA policies do not apply to KESC. KESC has its own rules, regulations and policy circulars with regard to detection billing. In the circular of July 9, 2002 for raising the detection bills a rather sketchy procedure has been laid down which needs to be made more comprehensive addressing the range of complaints filed against it. However, the KESC personnel do not even follow the presently laid down procedures owing to a general lack of familiarity with such processes on the part of the agency’s staff.

20. Previously detection bills were raised by the Business Operation Centres (BOCs) which maintained all the relevant record of the meters. Now the KESC has created a new department called the Revenue Protection Department (RPD). Officials of this department visit various localities and detect delinquent consumers and issue detection bills without consulting any record of the meters such as meter route sheets, observations of the meter reader etc. Most of the detection bills are being raised on load basis. The consumers are accordingly approaching this office in increasing numbers. The complaints received in this office are sent to the BOCs who have no knowledge about the detection bills and therefore, show their inability to submit a report. There appears no co-ordination between the BOCs with the R.P.D. The situation can only be remedied by KESC firming up its policies, training its personnel in its standard procedures and strengthening its management structure at all levels.

SNGPL and SSGCL

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Excessive / wrong / inflated billing	171	77	104	14	470	437	986	918	1200	1181
Delay in providing connection	256	78	182	29	500	476	602	562	989	963
Disconnection	11	4	6	1	73	69	118	102	47	46
Others	116	37	90	21	320	271	214	212	397	353
Total	554	196	382	65	1,363	1,253	1,920	1,794	2,633	2,543

SNGPL

21. Excessive, wrong and inflated billing, as in the past, remains the main cause of complaints against the agency. During the last five years, the number of complaints in these areas has increased manifold. It has been found that in a number of cases, monthly bills are based on estimated billing and not on actual consumption as officials are not regular in their visits to the premises to record monthly readings. This practice results in accumulated billing which brings the units into higher brackets of tariff resulting in inflated bills. Thus the complainant suffers on account of inaction and negligence on the part of agency's officials.

Inadequate Technical Reports

22. Another factor that generates complaints against the agency is billing of detection bills on the allegation of pilferage of gas. The agency issues the detection bills on the basis that certain parts of the meter have been found tampered with by the consumer without giving a precise finding from its laboratory on whether the alleged tampering of the meter has actually caused the meter to record less gas than being supplied. Only with such a technical determination can it be conclusively established whether pilferage of gas has taken place.

23. This issue was raised with the Agency recommending that, as in the case of commercial and industrial meters, technical reports on the accuracy of gas flow of domestic meters must also be given. The Agency has contended that the number of domestic consumers being very large, it does not have the technical as well as manpower capacity to give reports on the accuracy of the domestic meters. The building up of capacity is a matter that has to be attended to by the Agency itself. Lack of manpower or technical capacity obviously cannot be accepted as a justifiable basis for assuming that in the case of every tampered meter, the gas flow has been adversely affected and pilferage is taking place. The Agency has been advised accordingly and meanwhile, to be fair to the consumers, the reports given by the agency on the meters allegedly tampered with are being treated according to whether they determine the gas flow aspect or not.

Gas Leakage

24. Complaints against billing on account of gas leakage cases are also on the rise. Such complaints mostly arise in cases where consumption of gas is not recorded on a monthly basis and consumers are instead billed on average basis over a period of time. Resultantly in case there

is internal leakage of gas during this period, it escapes notice by the occupant of the house as his average billing gives no indication of the actual volume of gas flow. Later when the reading is noted from the meter, the volume recorded could be very high. When the consumer approaches the agency, it refuses to provide any relief on the plea that he has been assessed according to the meter reading whereas the volume of consumption billed to him is not at all proportionate to the connected load of gas appliances. If the Agency takes consumption readings regularly on a monthly basis, any leakage in the internal gas installations can be detected much earlier from the unusual quantum of consumption reported in the bill. Thus the consumer suffers unnecessarily on account of inefficiency of the Agency's officials.

Replacement of Meters

25. It has also been noted that in cases of defective meters the Agency does not generally replace the meters within a reasonable time and continues to charge consumers indefinitely. Such practice leads to incorrect billing. The Agency, in accordance with the gas contract, is entitled to bill only for the volume of gas consumed. The correct recording of gas flow, is, therefore, not only in the interest of the consumer but is equally beneficial to the Agency. It has been recommended that the Agency should amend the contract for supply of gas to provide for a specific time limit for replacement of defective meters failing which the defaulting employee should not only bear the burden of the adjustment charges but also face disciplinary proceedings after due inquiry if he cannot provide adequate grounds for his inefficient conduct.

26. As per policy of the Agency on defective meters, the consumers are charged on the average daily consumption of sixty days preceding or sixty days following the defective period, whichever is more. It has been observed that in certain cases such defective meters are allowed to stay at site for many months which include both winter and summer months. The consumption does generally vary to a large extent in the summer and winter months. It is thus important that the meter should be replaced immediately to avoid any complications in the future. In case due to some unavoidable circumstances the meters are not replaced there is a need to rationalize clause 13 of the contract agreement for such eventualities.

27. In respect of sticky meters, it was found that in some cases, the Agency was billing the consumers on a flat basis of seasonal consumption, i.e. 1.5 HM³ per month in the summer and 3.0 HM³ in winter season. The contract for supply of gas for domestic consumers approved by OGRA in August, 2005 does not provide for such a mode of billing. On a reference to it, OGRA has clarified that billing on 1.5 HM³ or 3. HM³ was not approved by OGRA. It was the previous policy of SNGPL. OGRA has clarified that the policy for charging of sticky meters is now contained in Clause 10(iii) of the Contract for Supply of Gas which provides that where consumption of the corresponding period of previous year is not available, billing is to be made on the basis of the preceding, or following, two months consumption, whichever is higher.

Delay in Connections

28. Complaints against delay in providing connections have also sharply risen during 2009, that is, by 71.25%. The stance of the Agency is that the demand for gas connections is much higher than the availability of gas. It has been stated that the number of connections allowed per year by the government to gas companies is limited. OGRA has communicated that SNGPL presently has a per year connection limit of 200, 000 and SSGCL has a limit of 75,000 and that this quota might be reduced in view of the great stress on the supply position.

29. In view of the limit on the available annual connections, it is of the utmost importance that they are sanctioned in a transparent system that is merit based. However, there are a number of complaints every year that merit is not being observed by the Agency in the processing of complaints. There is, therefore, a great need that the Agency should maintain a waiting list on

strict merit and with complete accuracy which should be open to all. The list should be prepared on a first-come first-served basis eliminating any element of priority. It should keep the applicants informed periodically of their positions on the waiting list and the list should be displayed on prominent places in their offices, as well as on its website, so that applicants can have easy access to the list and remain in the picture with regard to their position on the waiting list.

SSGCL

30. The majority of the complaints against the Agency are from domestic consumers and are in common with those against the SNGPL. Such complaints generally fall in the following categories:-

- PUG (Passing Unregistered Gas) estimates
- Leakage billing
- Theft cases
- Incorrect billing

PUG estimates

31. Passing unregistered gas (PUG) means that the meter installed has ceased to register the flow of gas due to some mechanical defect. So billing for actual volume of gas consumption cannot be made. In such cases customers are billed provisionally and subsequently after change of the meter a bill for the PUG period is sent on the basis of average consumption as per readings of the new meter. The charge period in such cases is restricted to 365 days as per OGRA Rules. Although this restriction provides protection to consumers, the major irritant for them is the delay in making such bills. The consumer continues to be subjected to provisional billing for months together even beyond a year when all of a sudden they are billed on the average of the new meter consumption. The delayed charging puts a heavy burden on the consumer which can be avoided by periodical checking of such cases by the various billing zones which will result in reduction of the PUG period and will lessen the burden on the affected consumers. It will also save revenue losses on account of restriction of chargeable period to 365 days when such unregistered consumption actually exceeds such a period.

Leakage Billing

32. As in the case of SNGPL, consumers are charged for what is called leakage of gas from the meter outlet point. The nature of leakage can be ascertained from the complaint as well as the report and job cards of the attending technical staff but the consumers are informed by the company about leakages after months. The consumers thus remain unaware of the problem which results in excessive billing. Most of such disputes have been settled though compromise after allowing slab benefit to the consumers but the Agency should adopt a regular method of sending caution notes in such cases to the consumers, particularly in locations where gas pipe installations are suspected to be rusty and prone to leakage due to long use or due to other reasons.

Incorrect Billing

33. Incorrect billing is caused when the consumers are charged for meters other than their own or consumers are charged for the gas not consumed by them, particularly if premises remains closed for certain period. Such cases have been found to linger on for long periods. The Agency provides relief in such cases but after a long time. The Agency should provide prompt relief to the consumers on account of unjustified or incorrect billing.

PTCL

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Excessive / wrong / inflated billing	562	368	342	249	376	325	512	465	298	281
Non-repair of telephone	284	261	275	209	348	305	265	249	125	122
Administrative irregularities	132	109	122	45	100	85	75	68	28	16
Disconnection	124	79	97	64	176	165	187	117	61	56
Delay in providing connection	155	100	76	54	40	36	-	-	17	15
Others	449	98	224	87	346	274	505	255	302	182
Total	1,706	1,015	1,136	708	1,386	1,190	1,544	1,154	831	672

Declining Complaints

34. The expansion of the network and the introduction of digital technology has resulted in a significant increase in the number of PTCL subscribers. However, as Table 11 shows, the number of complaints admitted this year was 724, which was the lowest in the last five years. This reduction of 41.76% reflects an improvement over the previous year.. As a result of a continuous interaction with the Agency in the area of complaints resolution, the Agency has taken certain important steps in this respect, specifically the automation of the complaints redressal processes.

Automation of the System

35. The complaints are automatically routed to the concerned exchanges and are rectified. There is also an automated procedure built in the system to confirm the rectification of the complaints. Whenever staff updates the system about complaint rectification, it automatically generates an outbound call to the customer for verification of the same. However, complaints continued to be received on this account specially from the rural areas where the cables are subjected to frequent cuts. PTCL has been encouraging subscribers to use WLL technology in such areas. In the urban areas the major reason is the damage caused to the PTCL underground network by other agencies while carrying out their development works. PTCL needs to maintain a close liaison with other civic agencies to avoid damages to its cable which results in prolonged break downs.

36. Under the old analogue system people would deny having made costly calls (e.g. long-distance or international). But under the new system all calling data is digitally recorded. At the end of the month each subscriber's tape is pulled out of the exchange and put through the billing system. Since there is no manual interface, there is little scope for error. The second major cause of complaints used to be delays in obtaining new connections. This has been made quicker and easier now, and a new connection can be obtained in a much shorter time. The fact that no complaints were made to the WMS about this in 2008 is testimony to the efficiency with which PTCL now provides new connections.

Timely Fault Rectification

37. It has, however, been noticed that the Agency has yet to resolve some very important issues such as the unjustified billing of line rent in cases where service remains suspended for long periods due to technical faults or because of any works being carried out by any other agency. This issue particularly pertains to customers in the rural areas where faults in the system are not rectified in time due to which service remains suspended for several months for no fault of the customers. The Agency however, keeps on charging them the line rent. When they approach the Agency for waiver of line rent, it refuses to allow any relief on the plea that Clause 11(ii) of the contract does not permit any concession or refund in this respect.

38. This office took notice of this issue. After examining the matter in detail, findings were finalized and it was recommended that the Agency should amend Clause 11(ii) by adding a proviso that no line rent shall be charged for the period the service remains suspended for more than 15 days in a billing month not due to any fault on the part of the customer. The Agency was given 90 days for implementation of this recommendation. However, the Agency neither reported compliance with the recommendations nor intimated the reasons for non-compliance. Under these circumstances, this office was compelled to file a reference to the President under Article 12 of the President's Order No. 1 of 1983 on account of defiance of recommendations.

Local Calls Billing

39. Complaints have also been received against excessive billing for local calls and for not making details of local calls available. The matter was taken up with the Agency but it has explained that their system does not cover this aspect and that such an exercise is cumbersome and costly for them and is not a part of their regular scheme.

40. One of the major factors in respect of high billing is the lack of awareness on the part of the general population about the existence of the multi-metering system on digital telephone connections where for every call exceeding three minutes duration, another call is charged. With lengthy calls, the number of calls increases automatically. The use of internet for prolonged period also pushes up the charges on account of local calls. The Agency could improve its image if it educates its subscribers through the print and electronic media about its operations and policy.

NADRA

Table 12 Causes of Complaints Against NADRA

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Delay / Non-issuance of ID Card	436	347	324	248	435	405	462	447	732	705
Administrative Irregularities	64	25	26	10	17	12	42	19	18	15
Pension / GPF	21	13	13	4	6	6	15	10	5	3
Others	25	9	21	8	19	12	13	11	90	62
Total	546	394	384	270	475	435	532	487	845	785

Rise in Complaints

41. Complaints against NADRA have risen sharply during the year 2009 as Table 12 shows. Most of the complaints relate to the issues such as penalties for acquiring more than one CNIC by an individual (categorised as DUP cases), rejections owing to non-matching of thumb impressions, and lack of adherence by the Agency to the time frame given for card delivery.

Duplication of CNICs

42. The issue of double CNICs has arisen due to the reason that earlier the Agency did not have an online matching and reconciliation system and CNICs were not issued quickly. Resultantly applicants tended to make fresh applications at the same, or at another, field office when they needed the cards urgently. This resulted in individuals getting two CNICs as not unusually both applications were processed in the absence of any system of verification with the Agency to check duplication. After the online system was introduced in 2005, cases of holding of more than one CNIC are being detected and blocked and holders are being penalised with fines. A number of complaints are being received against delay in the processing of such cases and also against charging of fee ranging between Rs. 5000 to Rs. 20000 for duplicate CNICs. It is being agitated by the complainants that it is unfair on the part of Agency to charge such a big amount from them as there were no malafides in obtaining second CNICs. However, the Agency is justified in its policy of imposing fines in such cases as there is no justification for applying separately for more than one CNIC by concealing the fact of a double application.

Blockage of CNICs

43. Quite a number of complaints are against blockage of CNICs declared by the Agency as suspected cases. The processing of such cases is not usually made by the Agency within the time given. The explanation of the Agency is that in such cases clearance from intelligence agencies as well as verification of birth certificates, citizenship, etc is required as these cases pertain to aliens who obtained registration documents sometimes back and are now approaching NADRA to obtain CNICs. This office has always held unnecessary delays in such cases as constituting maladministration.

44. Complaints involving issues of non-matching of thumb impressions are also common. These mostly relate to children on whose behalf applications are made to obtain NICOPs (National Identity Cards for Overseas Pakistanis). The delay in the processing of such cases is caused as their thumb impressions on the application do not match with the thumb impressions obtained on Form B which is not uncommon as someone else may have put a thumb impression on behalf of a child without realising its future implications. This leads to complaints against the Agency for delay in issuance of CNICs/NICOPs.

Low Capacity

45. Delay in many cases in the processing of CNICs is also caused due to the reason that at the NADRA Swift Registration Centres (NSRC) both at the tehsil and district level, experienced staff is generally not posted. Resultantly considerable time is taken up as they struggle to complete necessary verifications and formalities and, therefore, the dates committed with applicants are not honoured.

Cumbersome Procedures

46. It has also been noticed that systems and procedures of the Agency for processing CNIC cases are also somewhat lengthy and cumbersome. Application forms are uploaded and exported to the Data Warehouse, Islamabad. If for some reason the data is blocked, the applicant is not

informed of the development. When he appears to collect his CNIC, he is not properly guided on further requirements and is generally advised to reapply. Being ill-advised, his application can again get blocked on account of other deficiencies. This process tends to be repetitive and on each occasion the applicant is compelled to pay a fee for processing his application.

Delivery of CNICs

47. The despatch of new CNICs is also causing inconvenience to the public. The present practice is to send them to the concerned Distribution Centres. Earlier the practice was to issue CNICs through postal or courier services and the undelivered CNICs were received back. But now applicants approaching the NSRC cannot, at times, trace their cards and after sometime the card is sent back to the Data Warehouse, Islamabad, as being uncollected and is ultimately destroyed. Thereafter the applicant is advised to apply for issuance of a duplicate CNIC and his earlier fee is confiscated. The applicants agitate that when the original CNIC had not been delivered to him why should they apply for issuance of duplicate cards and pay the fee again.

Former East Pakistan Citizens

48. Many complaints were received during the year from persons of former East Pakistan origin who had already been issued NICs by NADRA but for renewal, they were asked to provide fresh documentary proof of their residence in Pakistan upto 1975. The Agency has taken the stand that this is done as per Section-23 of the NADRA Ordinance, 2000 which empowers them to ask a person who has given any information to furnish documentary or other evidence of the veracity of that information. Section 16(A) was inserted in the Pakistan Citizenship Act, 1951 in 1978 which caters to the cases of such persons who stood to lose or to retain citizenship after 16.12.1971. Many such persons had obtained Manual National Identity Cards (MNIC) prior to 1978. They were also issued CNICs. They also got their children registered in form "B" and have Computerized Children Registration Certificates. The Agency thus has to be careful not to invoke the provisions of Section-23 of NADRA Ordinance and Section-16(A) of the Pakistan Citizenship Act, 1951 mechanically as complainants during the hearings allege that they are being discriminated against. The Agency needs to sensitize its staff to ensure that those who hold valid CNICs and other valid documentation do not get the feeling of being treated in a discriminatory manner.

AIOU

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Non-issuance of Diploma/ Certificates / Results	317	229	425	237	506	484	795	742	676	640
Failure to give admission	45	34	59	38	67	65	57	52	84	81
Administrative irregularities	128	64	93	27	56	50	39	35	5	2
Others	31	26	34	15	111	84	102	65	202	174
Total	521	353	611	317	740	683	993	894	967	897

49. Table-13 shows that the major causes of complaints against the AIOU continue to be non-issuance of degrees, diplomas, certificates and result cards. An overview of the complaints in 2009 showed that the complaints are of a repetitive nature and thus required a thorough analysis of the systemic weaknesses of the University. Therefore, a comprehensive review of its policies and procedures to minimize the causes of complaints of a repetitive nature was undertaken. A Special Response Team was set up in the Wafaqi Mohtasib's Secretariat to study the problem areas which impeded the efficient functioning of the University. The team focused on the following areas and finalised recommendations by associating the senior officers of the University:

- i. Issuance of degrees, diplomas, and certificates.
- ii. Students' assignments.
- iii. Appointment and role of the tutor.
- iv. Admissions, and refund of fee and dispatch of books.
- v. Unfair means cases.

50. The proposals are now under implementation of the University management. Details on these issues and recommendations made can be found on page 127 to 139 of this Report.

Pakistan Post

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Delay in delivery and loss of mail	105	51	136	60	157	144	187	105	87	81
Delay in sanction of Pension / GPF	56	37	77	40	59	42	55	35	67	52
Discrimination in appointments	29	7	31	12	25	17	18	12	24	20
Misconduct of Officials	2	1	3	3	15	10	18	14	42	33
Administrative Irregularities	167	67	110	29	88	74	71	57	26	16
Others	22	19	55	29	131	64	72	65	232	154
Total	381	182	412	173	475	351	421	288	478	356

51. Non delivery of mail and parcels, inordinate delay in the finalization of Postal Life Insurance claims, misplacement or late delivery of money orders, maladministration in financial assistance under the 'Food Support Program' and non-payment of pension and gratuity remained the major causes of complaints against the Pakistan Post Office during the year 2009.

52. Despite the change in its structure, the service delivery of Pakistan Post has not improved. Pakistan Post appears to be suffering from several issues related to its quality of service delivery. Meeting client expectations is admittedly a challenge which needs concerted efforts. Some of the major causes are summarized as under.

53. The most common complaints are regarding non-delivery of letters, money orders and financial assistance given by the Government under various schemes such as the Food Stamp Scheme and the Benazir Income Support Programme. In a number of cases, inquiries have been

conducted by the Agency and its employees have been found involved in misappropriation of funds. However, due to the lengthy procedure involved, accountability remains weak. Frequent visits for undertaking inspection of offices by the top management of the Agency is important to bring about a positive change in the service delivery environment of the Agency to bring about improvement in its official business.

54. Pakistan Post has failed to compete with the speed and quality of service being provided by private couriers. Instances of delay in the delivery of letters and parcels was the major cause of complaints. The failure of the Agency to hold delinquent officials responsible has contributed to the problem. Instances of loss of registered letters and packets, some of them containing valuables and important documents remained untraced. The rate of compensation for loss of various types of articles as provided in the Postal Code is too meagre and needs to be reviewed. Complaints regarding delay or mis-delivery of money orders showed that the Agency has no proper system of monitoring the process of delivery. The same is true for the parcels, especially those received through foreign mail. The department has, therefore, to closely assess its major weaknesses to remedy the prevailing situation by improving its internal supervisory system.

SLIC

Causes of Complaints	2005		2006		2007		2008		2009	
	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted	Received	Admitted
Non-payment of Insurance claims	121	81	132	90	97	85	102	96	79	72
Delay/non-payment of death claims	91	65	102	84	89	79	99	83	97	94
Administrative irregularities	75	43	30	15	58	45	38	33	5	3
Others	36	21	32	11	40	33	36	27	113	88
Total	323	210	296	200	284	242	275	239	294	257

55. Table 15 gives the major causes of complaints against SLIC.

Inadequacy of Evidence

56. Repudiation of life insurance claims lodged by the nominated legal heirs of the deceased insured persons is the major issue brought up in complaints against the Agency. The Agency usually takes the plea that the deceased was suffering from a health problem which he concealed in his declaration made in the proposal form. To support its allegation of misrepresentation on the part of the insured, the Agency usually presents medical evidence in the shape of a certificate from a doctor who records that he had treated the patient. But these are generally found to be post-dated and do not, therefore, constitute relevant evidence to support the allegation of the Agency.

57. Another ground taken for rejection of death claims is that a policy had lapsed owing to late or non-payment of certain instalments of the premia. However, the Agency continues to receive subsequent instalments of the premia even after such defaults. It has since been ruled by the President that the conduct of the Agency in continuing to receive premia after default in payment estops it from claiming that the policy has lapsed.

The Role of the Insurance Agent

58. The insurance sales agents who work on a commission basis play an important role in the issuance of insurance policies. In their eagerness to procure policies they omit to explain the terms and conditions of the policy to the applicant and of the consequences of not disclosing true information. The result is that it is the policy holder or his legal heirs who suffer subsequently. Agents give misinformation to the public when selling policies in order to persuade them to buy them. Members of the public purchase policies and give the payment for the premium to the agent to be forwarded to SLIC. Instances are frequent where he does not do this, or delays doing so, i.e. engages in embezzlement. Complaints arise over contractual interpretations. A standard contract gives the minimum cash value of a policy over a certain period, but people complain the agent had promised them more money, based on the maximum potential cash value of the policy.

59. The main weakness in the agent system is that agents are not permanent employees and they earn their money through commissions, In order to retain their jobs they must meet performance targets. The former means their loyalty or commitment to SLIC tends to be weak, while the latter means they have strong incentives to make sales even by making false promises.

60. The quality of service, in particular after-sales service, provided to policy-holders depends to a large extent on the 'quality' of the agent. Where agents have extensive experience and are locally based and committed to staying with SLIC, they have a vested interest in keeping policy-holders happy. But where agents lack commitment or are looking to/leave the Corporation problems arise.

61. In an environment of low literacy, the agent has an important role in the insurance process. In order to minimise complaints against it, SLIC has to take urgent and effective steps to ensure that they introduce a structure within the organisation that encourages greater loyalty and commitment of the agents in lines with SLIC's objectives and that the accountability system is radically strengthened to promote honest and responsible service to the citizens.

Chapter 4

Compliance and Implementation

The Implementation Arrangements

In the year 2007, the data on compliance with the recommendations of the Wafaqi Mohtasib was reviewed with the objective of assessing to what degree compliance had taken place with the recommendations made. The review revealed that in a substantially large number of implementable findings, the agencies concerned had neither implemented the findings nor had represented against them to the President. This state of affairs showed that there was complete inaction in respect of the recommendations made by the Wafaqi Mohtasib.

2. The practice at the time of this review was that if a complainant came back to the Wafaqi Mohtasib's office with the objection that a recommendation in his favour had not been complied with, a follow-up action would ensue, but in case such inaction was not brought to the notice of this office, there was no follow-up to ensure that a recommendation was not lying unattended. The review further showed that complainants coming back to the Wafaqi Mohtasib's office with complaints of inaction on the part of agencies was a small number. This was understandable as people living in remote areas with limited means cannot be expected to visit government offices, including the office of the Wafaqi Mohtasib, repeatedly.

3. In view of this situation, it was decided that Wafaqi Mohtasib's office should become proactive in ensuring that the recommendations emanating from the office were given due and timely attention. Consequently, a separate wing, the Implementation Wing, was created with the express objective of pursuing agencies to provide either a compliance report or evidence that they had asked for a reconsideration or had gone to the President in a representation against the findings of the Wafaqi Mohtasib.

4. The Implementation Wing was placed under the supervision of a BS-21 officer and functioned from the Headquarters in the year 2007. In the year 2008, implementation cells were established in the Regional Offices at Karachi, Lahore and Peshawar to cover the major regions accounting for the highest number of complaints. The next implementation cell is being established at Multan and will be functional in the year 2010.

The Implementation Module

5. To place the implementation monitoring process on an efficient level, it was decided that the complaint management information system of the Wafaqi Mohtasib's office would also include an implementation module. This module was developed in the year 2007 and became functional in 2008.

6. The implementation module facilitates close monitoring of the implementation status of recommendations made by the Wafaqi Mohtasib by generating reports on a daily basis on the number of findings due for implementation by specified dates, the number that stands implemented and those in respect of which no action has been reported despite the deadline having passed. Furthermore, all legal steps necessary in case of inaction on the part of the public

agencies such as show cause notices etc., are initiated by the system on the expiry of the timelines given for implementation. This has helped to speed up the necessary measures provided for by the law in case of non-compliance.

Legal Measures

7. The law governing the office of the Wafaqi Mohtasib provides for specific measures that can be taken in case a public agency shows indifference to the recommendations made by this office. On the expiry of the timeline given for complying with the recommendations of the Wafaqi Mohtasib, an agency can be issued a show cause notice calling upon it to show cause why the fact of its non-compliance may not be referred to the President as “Defiance of Recommendation”.

8. Before this is done, however, efforts are made to obviate such a reference through meetings with the agencies on a regular basis. The frequency of such meetings by the Implementation Wing in the year 2009 paid very satisfactory dividends as, in the majority of such cases, the agencies proceeded to implement the recommendations thereby putting a closure on such complaints.

9. Table-16 gives the figures of the show cause notices issued to the agencies and the implementation status following such notices.

S. No.	Name of Agency	Number of SCN Issued	Implemented	Under Process
1.	WAPDA	1107	1008	99
2.	SNGPL	83	56	27
3.	AIOU	1	1	-
4.	Archaeology Dept.	1	-	1
5.	CDA	2	-	2
6.	ERRA	6	4	2
7.	EOABI	1	-	1
8.	Estate Office	4	4	-
9.	HBFC	2	1	1
10.	Passport Office	1	1	-
11.	ICT	1	1	-
12.	KESC	8	8	-
13.	NCL	1	-	1
14.	NADRA	6	5	1
15.	OPF	1	-	1
16.	Bait-ul-Mal	1	1	-
17.	Post Office	5	4	1
18.	Pak. PWD	6	2	4
19.	Railways	4	3	1
20.	PSO	1	-	1
21.	PTCL	47	13	34
22.	PLI	2	-	2
23.	PMIC	1	-	1
24.	PCP	1	1	-
25.	USC	1	1	-
26.	SLIC	11	7	4
27.	SSGPL	2	-	2
Total:		1307	1121	186

As is evident from a perusal of the data in the table, show cause notices have been effective in securing compliance of recommendations. Out of the 1307 show cause notices issued in the year 2009, implementation in over 85% of the cases was reported.

10. Resort to sending the Defiance of Recommendations references to the President were very few. Only four references were sent, out of which one has been received back with some observations.

Implementation Progress

11. Table-17 gives the data on the progress of implementation in the years 2007, 2008 and 2009. It will be seen that there has been a consistent improvement every year in terms of the percentage of findings implemented. From an implementation percentage of 38% in the year 2007, the implementation percentage moved to 75% in 2008 and, by end 2009, it stood at 88%.

Years	2007		2008				2009				
	Implementable	Implemented	Opening Balance	Fresh Implementable	Total Implementable	Implemented	Opening Balance	Fresh Implementable	Implementable	Implemented	Percentage
WAPDA	2140	781 (36%)	1,359	3,456	4,815	3,787 (79%)	1028	2316	3344	2976	89%
Sui Gas	138	63 (45%)	75	148	223	114 (51%)	109	112	221	182	82%
PTCL	83	24 (28%)	59	86	145	70 (48%)	75	10	85	37	44%
ERRA	-	-	-	74	74	3 (4%)	71	30	101	39	39%
SLIC	55	18 (32%)	37	51	88	48 (55%)	40	23	63	32	51%
Pakistan Post	32	19 (59%)	13	25	38	29 (76%)	9	18	27	13	48%
Railways	48	16 (33%)	32	17	49	16 (33%)	33	29	62	43	69%
Bait-ul-Mal	14	12 (85%)	02	07	09	08 (89%)	1	0	1	1	100%
KESC	02	-	02	13	15	11 (73%)	4	27	31	14	45%
NADRA	10	04 (40%)	06	39	45	32 (71%)	13	61	74	57	77%
PLI	11	03 (27%)	08	14	22	17 (77%)	5	9	14	12	86%
EOBI	13	03 (23%)	10	04	14	08 (57%)	6	2	8	7	88%
CDNS	06	06 (66%)	-	04	04	03 (75%)	1	4	5	5	100%
Others	103	46 (44%)	57	167	224	201 (90%)	23	52	75	188	251%
Total:	2657	997 (38%)	1660	4105	5765	4347 (75%)	1418	2693	4111	3606	88%

12. Public sector organizations continue to have weak systems for handling complaints and this is equally true in respect of their follow up systems to ensure compliance with the recommendations of the Wafaqi Mohtasib. The Wafaqi Mohtasib's Secretariat has initiated a

study of the complaint redressal systems of 5 major agencies which comprise SNGPL, Pakistan Post Office, SLIC, NADRA and PTCL. This study is part of the UNDP's funded SPGRM project and will take into account the capacity and capability of these agencies to handle complaints and monitor grievance redressal procedures.

Making Implementation Effective

13. Efforts are now being made to connect the major agencies with the Wafaqi Mohtasib's implementation module with the assistance of donor agencies. This is expected to further improve the efficiency of the agencies. Under the SPGRM Programme, a "Data Administrator Cum Trainer" is being appointed for a period of 6 months to train the existing staff working in the Implementation Wing. A Standard Operating Procedure (SOP) for the Implementation Wing has also been developed to introduce enhanced efficiency and reduce the time taken to implement the recommendations of the Wafaqi Mohtasib.

Chapter 5

Addressing Policy and Process

Identifying Basic Issues

It is not uncommon that complaints are generated owing to underlying deficiencies in policies or processes of public agencies. While investigating complaints, such underlying issues are identified and the agency is advised through a recommendation to adopt an approach that would mitigate repetitive complaints on the subject. If considered appropriate, recommendations are also made to agencies to bring about modifications in their existing policies, procedures and processes to address the root causes of such complaints.

2. In his decisions on representations filed before him, the President also gives directions on such fundamental issues. His decisions in such cases clarify principles that need to be understood or adopted by agencies to ensure that the services being provided by them do not unnecessarily generate complaints.

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

KEY DECISIONS OF THE PRESIDENT – 2010

Allama Iqbal Open University (AIOU)

Reasons justifying a wrong act that constituted maladministration cannot stand in the way of justice

4. The complainant was a student of the BA Programme of the Agency. The Agency opened its admission for the Spring 2008 Semester. The last date for submission of admission form was 17.03.2008. The complainant was interested to take admission in the M.Sc programme of the Spring 2008 Semester. The Agency declared its BA result just a few days before the last date of admission. The complainant could not receive the BA result from the Agency till the last date. The complainant after learning from the Agency's web site that he had qualified the BA examination hurriedly submitted the admission forms for the MSc Programme on 17.03.08. The Agency did not give him admission on the ground that he had not attached the BA result with the admission form.

5. The complainant made a complaint to the Wafaqi Mohtasib on 20.05.2008. The version of the Agency was that BA result card had been issued to the complainant on 27.05.2008. The complainant argued that the result card issued on 27.05.2008, after lodging a complaint, was received by him on 26.7.2008. The Wafaqi Mohtasib recommended that the Agency should immediately give admission to the complainant in the M.Sc Programme for Spring 2008 Semester.

6. The Agency made a representation against the Mohtasib's recommendation mainly on the following grounds that;

- a) if the complainant was allowed admission at this belated stage, he had to deposit the fee as was paid by other students within the due date; whereas the Agency had not allowed admission to any candidate who had not deposited the fee in time;
- b) in various programmes of the Spring 2008 Semester almost 5,30,807 students had been admitted and the whole process took four months in checking their eligibility, confirmation of fee, mailing of study material etc;
- c) the computer section of the Agency was engaged in preparing the result of 15,00,000 students of the previous semester. So the grant of admission to the complainant asking him to deposit his fee for a previous semester as well as for processing of his data at this belated stage would hamper the whole process as the next semester's admission i.e. Autumn 2008, had already been started.

7. The President while rejecting the representation held that the grounds of the Agency did not justify a wrong act which established maladministration and also could not stand in the way of justice. If any inconvenience develops due to grant of relief to the complainant, the Agency should streamline its system so as to avoid a similar situation in future.

Agriculture and Livestock Products Marketing & Grading Department/Food & Agriculture Division

Non payment of house rent to the lessor (complainant) of a self hired house was an inaction by the Agency rather than a service matter

8. The complainant served in the Agency till 10.07.2006. He had been living in the self hired accommodation provided through the Estate Office under a lease agreement. The lease agreement between the Estate Office and the complainant expired on 15.12.2005. The Estate Office did not extend the lease from 16.12.05 onward due to the reason that the government had decentralized the hiring policy from 1.7.2004 and delegated the hiring powers to the respective departments. Despite the fact that the lease agreement was not extended, the Agency continued to deduct the complainant's house rent allowance at the rate of 5% from his monthly salary without paying rent of the house.

9. The complainant complained to the Wafaqi Mohtasib and prayed that the Agency be directed to pay the hiring dues from 16.12.05 to 10.07.06. The Agency's stance was that the complainant did not apply for extension in the lease agreement and had remained silent for the previous 6 months. The Wafaqi Mohtasib rejecting the complaint found that the issue raised in the complaint was an accommodation matter of a civil servant relating to the terms and conditions of the service and could not be enquired under the Wafaqi Mohtasib's law.

10. The complainant made a representation against the findings of the Wafaqi Mohtasib.

11. The President accepting the representation of the complainant held that the complaint relates to inaction by the Agency. It was a dispute between the lessor (complainant) and the lessee (Estate Office). The Agency continued deduction of the house rent allowance at the rate of 5% without paying house rent to the complainant who was entitled to receive the rent from the Agency. Inaction by an Agency is maladministration by itself.

Airport Security Force (ASF)

The office of Accountant General does not make its own decisions in accounting matters. It implements rules of the Agency that has entrusted the accounting tasks to it

12. The complainant was a retired employee of the Agency. He submitted a medical bill of Rs.4252 to his Agency for reimbursement. The Agency reimbursed him only Rs.3010. The complainant moved an application in the office of Wafaqi Mohtasib for redressal of his grievance.

13. The Agency clarified that the Accountant General did not pass the left over amount due to the reason that the said amount was spent by the complainant on the treatment of his wife who herself was an employee of the Agency. The terms and conditions of his wife's service in the Agency did not permit her for reimbursement of a medical claim. The Wafaqi Mohtasib, rejecting the complaint, found that the matter of reimbursement of the medical bill was the personal grievance of the complainant against the Agency and such matters could not be inquired into under the Wafaqi Mohtasib's law.

14. The complainant made a representation against the Mohtasib's decision. He contended that his complaint was not against the Agency in which he had been serving. Rather it was against the office of Accountant General and the Mohtasib could investigate a complaint against that Agency.

15. The President sustaining the Mohtasib's recommendations held that the Accountant General did not make his own decisions. He implements the rules made by the Agency for their employees. The Agency entrusted the accounting tasks to the Accountant General. The decision of the Accountant General was actually the decision of the Agency.

Capital Development Authority (CDA)

Citizens repose confidence in government departments. Government departments should not create uncertainty as it creates insecurity among the citizens due to breach of their confidence

16. The complainant was provisionally allotted a plot in 1996 by the Agency. He did not carry out construction on the plot till December, 2007. The Agency asked the complainant to pay a penalty of Rs.2,50,498 for delaying the construction beyond the stipulated period of 3 years that ended in September, 2000. The penalty was for the period from September, 2000 to December, 2007. The complainant finding no relief from the Agency filed a complaint in the Wafaqi Mohtasib's Secretariat.

17. The Agency explained that some allottees filed a civil suit in the court for regular allotment of plots. The court through an interim order withheld further allotments of the plots but did not stop development work of the sector and construction on the allotted plots by the allottees. The Agency also stated that on the basis of the said judgment most of the allottees got possession of the plots and completed construction after approval of their construction plan. The Agency alleged that complainant did not ask the Agency for approval of the construction plan on his plot although he had already been handed over the possession of his plot in 1996. As a result of the court's final decision in 2004 the complainant as well as other allottees, after payment of an additional reserve price, got their plots regularized.

18. The complainant clarifying his position stated that after the initial order of the court in 1997, the Agency wrote a letter to the allottees conveying to them that any investment on the plots would be at the risk of the allottees without any responsibility of the Agency. Owing to the Agency's warning, construction on a plot was a risky undertaking as its fate had not been decided. The court in 2004 gave the final judgment for regularization of plots on payment of the additional reserve price. Therefore, before the final judgment the matter remained in the court of law.

19. The Wafaqi Mohtasib after investigation found that construction on the plots before the final judgment was not possible by the allottees due to the uncertainty and fear caused by the Agency's letter. The Wafaqi Mohtasib recommended to waive off the penalty of Rs.2,50,498 being unjustified and to consider the period for construction on the plot from the date of regularization of the plot after the final judgement.

20. The Agency made a representation to the President against the recommendations of Wafaqi Mohtasib.

21. The President upholding the recommendations of the Wafaqi Mohtasib held that the Agency arbitrarily decided to impose a penalty for delaying the construction plan before the final judgment of the court. The citizen reposes a lot of confidence in the government departments. When the departments create uncertainty, the fear among citizen enhances and the citizens feel insecure. The complainant rightly protected his investment on the construction of the plot and waited till the final decision of court.

Employees Old-Age Benefits Institution (EOBI)

Where a statute provides for a complete machinery for the determination of all claims and grievance, a complaint to the Mohtasib cannot be made

22. The complainant retired from service in October, 1997. The Agency did not pay him his Old Age Pension. The complainant made a complaint to the Office of the Wafaqi Mohtasib contending that the Agency did not pay him pension despite the fact that he had submitted all the documents to the Agency in December, 2006. In the complaint he further mentioned that according to the school leaving certificate his date of birth was 28.06.1942 and he retired from service on 1.10.1997. Therefore, the Agency should be asked to allow him pension from EOBI as he was entitled to it. The Agency revealed that the complainant's date of birth in the official record was 01.10.1946. That date of birth had been mentioned in his National Identity Card, Pension Book and the application he submitted in December, 2006 for grant of pension from EOBI, duly verified by the department from where he got retirement. The complainant's service was less than fifteen years and under the rules of the Employees Old Age Benefits Act 1976, he was not eligible for pension. He was only entitled to get an old age grant. The Wafaqi Mohtasib rejected the complaint.

23. The complainant made a representation against the Mohtasib's decision.

24. The President rejecting the representation held that the Employees Old Age Benefits Act, 1976 provides a complete procedure for deciding all such claims. So the proper forum was to make a complaint to the Agency to decide his matter and not to the Office of Wafaqi Mohtasib.

Estate Office/Housing and Works

Office of the Wafaqi Mohtasib is not an executing Agency of a minister's orders

25. The complainant gave an application to the Minister for Housing and Works for allotment of a quarter. On the application minister passed his orders in the words "Allotted in relaxation of rules". The Agency did not allot her a quarter. She complained to the Wafaqi Mohtasib. Her stance was that the Agency, inspite of the minister's orders, did not provide her government accommodation. The Agency's view was that the complainant had not registered herself in the general waiting list of the employees who were waiting for government accommodation. So she had no case for allotment with the Agency. Moreover the Prime Minister had imposed a ban on such allotments. However, the complainant should register her name with the Agency and then she could be allotted government accommodation on merit. The Mohtasib rejected the complaint.

26. The complainant made a representation to the President against the Mohtasib's decision.

27. The President sustaining the Mohtasib's decision held that the office of Wafaqi Mohtasib does not act as an executing Agency for a minister's orders. If the Agency had not implemented the minister's orders, the complainant should approach the minister and not the Mohtasib.

Finance Division

Federal Government employees are the employees of the Federation and not of the Ministry, Division or Office in which they had been recruited or are serving

28. The complainant was a Legal Adviser in the Ministry of Foreign Affairs. He went on deputation as the Assistant Secretary General to the Asian African Consultative Organization in New Delhi. He served in that organization from March, 1981 to May, 1984. He retired from government service in November, 2003.

29. While on deputation a certain amount of pension contribution was payable from the salary of government servants to the government of Pakistan according to the terms and conditions of the deputation. Unfortunately those terms and conditions of the deputation could not be finalized during the entire service of the complainant. Consequently the amount could not be paid till he reached the age of retirement. At the time of retirement, the Agency deducted an amount of Rs.2,70,650 from the commutation as penal interest for non payment of pension contribution that was payable during the deputation period i.e., from 29.03.1981 to 03.05.1984. The deduction was made in terms of supplementary rules which provide that delay in making payment of pension contribution results in the imposition of interest. In July, 2003 the Ministry of Foreign Affairs requested the Agency to waive off the penal interest on the pension contribution but the Agency did not agree to it.

30. The complainant complained to the Wafaqi Mohtasib. His contention was that the Agency has been guilty of maladministration because the Federal Government was responsible for delaying the payment of pension contribution and not the complainant. The Wafaqi Mohtasib closing the investigation found that the complainant was an employee of the Agency i.e., the Federal Government where he had been serving and the complaint was against the decision of a division of the Federal Government. Therefore the Wafaqi Mohtasib did not have jurisdiction under the rules, to investigate matters relating to the Agency in which the complainant had been serving.

31. The complainant made a representation against the Mohtasib's decision. His understanding was that he was an employee of his own Ministry and he had made a complaint against an other Ministry i.e., the Finance Division which had deducted the amount of his pension.

32. The President rejecting the complaint held that the Federal Government employees are the employees of the Federation and not of a particular Ministry, Division or office in which they had been recruited or are serving. The Federal Government embraces collectively and individually all the Ministries/Divisions in which the work of government is carried out. Executive acts of the government are carried out by any of the ministries and are the acts of the government. The Agency's decision was a decision of the Federal Government i.e. the employer of the complainant. In that way the complainant's complaint against his employer in respect of any service matter could not be made to the Wafaqi Mohtasib.

National University of Science and Technology (NUST)

The policy of the Agency not to refund admission fee to a prospective student is not justifiable if no financial loss has been caused to the Agency

33. The complainant's son applied for admission in the MBBS Programme in the National University of Science and Technology (NUST) as well as at Agha Khan Medical College. The son got admission in the Agency and consequently paid an admission fee of \$11420. In the meantime he also succeeded in getting admission in the Agha Khan Medical College. The son chose to join the Agha Khan Medical College for his MBBS education. He requested the Agency to refund the deposited fee. The Agency declined to pay back the fee giving the reason that it did not have any policy to refund the fee.

34. The son's father lodged a complaint to the Wafaqi Mohtasib. The Wafaqi Mohtasib recommending the refund of the admission fee of \$11420, observed that the university received fee for the purpose of education to be imparted to the student. If the student did not get any education from the university, retention of fee by the university, was unjustifiable. Furthermore, the Agency has suffered no loss as the seat vacated by the son of the complainant had been allocated to the next student on the merit list.

35. The Agency made a representation to the President against the findings of the Wafaqi Mohtasib.

36. The President sustaining the Mohtasib's recommendations held that when a university admits a student, a contract comes into force and the fee is paid by the student in consideration of the contract. The law is that when a contract is broken, the party who suffers due to breach of contract is entitled to receive compensation for any loss from the other party who has broken the contract. The Agency had not suffered any loss because the complainant's son had not joined the university. The Agency's refund policy to not refund the fee is unjustified in law.

Pakistan Railways

Administrative decision cannot be challenged on the ground that the same authority previously decided an identical case in a different manner

37. The complainant identified a piece of surplus land on which he was interested to set up a petrol pump over that land. He gave an application to the Agency for obtaining a lease for 33 years. The Agency declined his request on the ground that the property would be leased out after calling tenders through an advertisement. The complainant approached the Wafaqi Mohtasib

saying that the Agency had the authority to lease out surplus property without tenders. He requested that the Agency be directed to lease out the property without inviting any tender. The Wafaqi Mohtasib rejected the complaint as being without merit.

38. The complainant made a representation to the President contending that in the past Agency had been granting leases privately without inviting open offers.

39. The President sustaining the Mohtasib's decision, held that if any lease had been granted privately, that was not regular. Administrative decisions cannot be challenged on the ground that the same authority previously decided identical case in a different manner.

An Agency is not obligated to make an appointment on a reserved post for disabled persons until the Agency itself starts the process of recruitment

40. The Agency advertised 500 vacancies of muawins in the press. These vacancies did not carry any reserved quota for disabled persons. The complainant applied for the post of a muawin but could not qualify the physical test as he was disabled. The complainant filed a complaint in the Office of the Wafaqi Mohtasib contending that inspite of being a disabled person, the Agency did not consider him for appointment on the post of a muawin.

41. The Agency explained that as the job of a muawin cannot be performed by a disabled person, no post was reserved for such persons. However, the Agency explained that other posts, such as helpers have a quota of disabled persons. The complainant could apply against the post of helpers when such posts are advertised in the press. After investigation the Mohtasib found the Agency's view point as valid and rejected the complaint.

42. The complainant made a representation to the President contending that at present no disabled person had been working as a helper in the Agency. Therefore he should be appointed as a helper.

43. The President while rejecting the representation held that the disabled persons law does not bind the government departments to reserve a quota for disabled persons in each and every category of posts. The law's requirement is that overall the prescribed percentage of posts should be reserved for the disabled persons. The complainant could not ask the Agency to appoint him against a post reserved for disabled persons unless the Agency proceeds to fill that particular vacancy.

Wages payable to a worker are different from pensionary dues payable after the retirement

44. The complainant retired from the Pakistan Railways in March 2000. At the time of retirement he was serving as an Inspector of Works. After retirement he was allowed to retain the Railway accommodation upto September 2000 on normal rent. The complainant did not vacate the accommodation by the due date and continued to live unauthorisedly till 31 May 2001. The Agency charged him rent at the market rate for occupying the quarter till the date of vacation. The rent so charged was deducted from the complainant's pension.

45. He made a complaint to the office of the Wafaqi Mohtasib alleging that the Agency had illegally assessed the rent at market rate. He further contended that he was a "workman" and under this category he was exempted from payment of rent at the market rate as provided in the Payment of Wages Act, 1936. In support of his stance, he cited a Supreme Court judgment of 1974. The view of the Agency was that the complainant had been serving as an Inspector of Works at the time of retirement and did not fall in the category of workman as defined in the above Act.

46. The Wafaqi Mohtasib after investigation rejected the complaint on the ground that the complainant could not prove how the definition of workman was applicable to the complainant that entitled him to the same benefits admissible to the category of workmen as reported in the Supreme Court's judgment referred by him.

47. The complainant made a representation against the Wafaqi Mohtasib's findings.

48. The President sustaining the Wafaqi Mohtasib's findings held that the complainant's reliance on the Supreme Court's judgment that the Agency could not deduct house rent at a market value i.e., higher than the normal rent payable by him during service, could not be applied because in the judgment, the Agency was asked not to charge higher rent from serving employees while complainant was no more in service. Wages payable to a worker did not extend to an ex-employee who was paid pension after retirement from active service.

Whether the Agency has taken as much care as a man of ordinary prudence is a question of fact to be decided by a court of law

49. The complainant booked a used television set from Sukkur railway station for Karachi. He paid the freight charges of Rs.285 for loading the television set on the train. The complainant also travelled by the same train. On reaching the Karachi railway station the complainant found that the television set was totally damaged. The complainant claimed compensation against the value of a new television set amounting to Rs.71000 from the Agency on the basis of a purchase receipt of the TV set. The Agency rejected the claim on the ground that the complainant neither disclosed the value of the parcel containing the TV set nor paid an additional amount over and above the freight charges. If the value of the television set as claimed by complainant was above Rs.10000, the Agency was not responsible for any loss or damage under the Railway rules. Anyhow the Agency treating the package condition of the parcel as defective, held the train guard responsible for not checking the consignment at the time of loading.

50. The Wafaqi Mohtasib after investigation found that the consignment was damaged during transportation due to mismanagement of Railway Staff and recommended Rs.40000 as compensation including expenses borne by the complainant while attending various inquiries held by Railway authorities for the settlement of the claim.

51. The Agency made a representation against the Mohtasib's decision.

52. The President accepting the representation of the Agency held that factually the complainant had not declared the value of the television set at the time of delivery to the Agency for carriage. The responsibility for declaring the value of the television set was a lawful obligation on the part of complainant that could not be waived off.

53. However to determine whether the Agency was responsible for loss not exceeding Rs. 10000, as a bailee (to whom goods were transferred) a reading of Sections 151 and 152 of the Contract Act, 1872 was important. According to these sections the bailee is bound to take as much care for the goods bailed (transferred) to him as a man of ordinary prudence takes care of his own goods. The bailee in the absence of any special contract was not responsible for the loss, destruction or deterioration of the things bailed to him if he had taken as much care as man of ordinary prudence. The question whether the Agency as a bailee took as much care as was required is a pure question of fact and to determine such question, after hearing evidences of the parties, is the job of the courts.

A bonafide decision of the Agency does not amount to maladministration even if a court finds that the decision is wrong under the law

54. The Agency invited tenders for supply of crushed stone at four sites A, B, C & D located at different places. The complainant, beside other contractors, submitted his tenders alongwith the earnest money to the Agency. The Agency opened the tenders in August, 2005. The offer of the complainant was found the lowest among all the bidders and he was awarded the supply of crushed stone at site-A. The complainant after completing the work requested the Agency for release of the earnest money. The Agency did not return that amount.

55. The complainant made a complaint to the Wafaqi Mohtasib. He contended that inspite of completing his work successfully the Agency withheld his earnest money without giving any reason. The Agency's stance was that the complainant submitted his offers for all the sites A, B, C & D but after opening the tender he was interested to carry out the work only at site-A. For urgent supply of stone at the other sites B, C & D, the Agency had to award the contract to the other firm quoting the 2nd lowest rates in the tenders. As the Agency had to pay an extra amount to the other contractor, it had to deduct the amount from the complainant's earnest money which was forfeited.

56. The Wafaqi Mohtasib found that the complaint involved contentious issues requiring examination and interpretation of contractual terms keeping in view the contract document. To decide such issues the competent forum was a court of law.

57. The complainant made a representation to the President against the findings of the Wafaqi Mohtasib contending that the Agency was required to give reasons for retaining the earnest money and without such reasons the Agency's decision was unlawful in terms of Section 24-A of the General Clauses Act, 1897.

58. The President sustaining the Mohtasib's findings held that the complainant had wrongly referred to Section 24A of the General Clauses Act, 1897. That section is applied when any authority or officer makes any decision under the powers delegated by the law. No such exercise of power has involved in the complainant's case. It was purely a contractual matter between the complainant and the Agency. In terms of contract, whether the complainant could withdraw his offer of carrying out the work at three sites B, C & D without incurring any liability or not, was a legal question that could appropriately be determined by a court of law. A bonafide decision of the Agency does not amount to maladministration even if the court finds that the decision was wrong under the law.

Postal Life Insurance (PLI)

In the matter of medical science the opinion of an expert is important

59. The complainant's husband took an insurance policy from the Agency on 8.8.1999 for a period of 15 years. The policy holder died on 21.06.2005 as a result of paralysis. His wife applied for payment of the death claim. The Agency declined to pay the claim on the ground that the policy holder did not disclose the fact that he was suffering from high blood pressure before he purchased the policy.

60. The complainant filed a complaint in the Wafaqi Mohtasib's Office contending that her husband suffered from paralysis just a few months before his death. She requested the Wafaqi Mohtasib to ask the Agency to pay the claim.

61. The Agency's stance was that the real brother of the policy holder under a signed statement informed the Agency that his brother was suffering from blood pressure. The brother of the policy holder appeared before the Wafaqi Mohtasib and explained that he was an illiterate

person and could hardly sign in Urdu. He further stated that the Agency's officials asked him to sign some papers so that the death claim of his brother could be paid earlier. He was of the view that his brother had no medical history of sickness. The Wafaqi Mohtasib after investigation recommended that the Agency should pay the insurance claim.

62. The Agency represented to the President against the findings of the Mohtasib claiming that sickness of the policy holder was proved by the statement of his brother.

63. The President while rejecting Agency's representation held that the policy holder's brother disowned his statement before the Wafaqi Mohtasib. Whether the policy holder was suffering from blood pressure or not, is a question of medical science. In matters of medical science the opinion of an expert is important.

The job of Mohtasib is not to examine reliability of evidence. He has to identify whether Agency's decision is based on relevant evidence or not. Reliability of the evidence can only be determined by a court of law

64. The complainant's husband obtained an insurance policy for a period of 20 years in January 2005. The policy holder paid the premium upto October, 2005. Later on due to non-payment his policy lapsed. In February 2007, the insurant applied for revival of the policy and gave a declaration of good health. The Agency, after getting the outstanding premia and surcharge, revived the policy. Just after three days of the revival, the policy holder died on 29 February, 2007. The policy holder's wife submitted an application for grant of insurance claim. The Agency declined to pay the claim on the ground that the deceased did not disclose the true state of health at the time of revival of policy.

65. The complainant filed a complaint in the office of the Wafaqi Mohtasib contending that the Agency did not pay her the death claim without any justification. The Agency's stance was that the policy holder was a chronic patient of Hepatitis-B since April 2005 as confirmed by the laboratory reports but did not disclose the fact at the time of revival of policy that he was suffering from the liver disease. The Wafaqi Mohtasib found that Agency had supplied credible evidence to prove that the policy holder had been suffering from a serious liver disease at the time of revival of policy and Agency's claim was justified.

66. The complainant made a representation to the President against the Mohtasib's recommendations contending that Agency repudiated the claim on the basis of unreliable evidence because it was collected after the death of policy holder.

67. The President, upholding the Mohtasib's recommendations, held that the job of Mohtasib was not to examine reliability of the evidence. He was required to identify whether Agency's decision was based on relevant evidence or not. Reliability of the evidence could only be determined by a court of law.

Pakistan Telecommunications Company Limited (PTCL)

The Agency cannot intercept the telephone calls at its own without the specific permission of the government. In case the Agency intercepts the calls in the absence of such permission it is breaching the subscriber's right of privacy

68. The complainant received a telephone bill of Rs.17850. It included a number of overseas calls. The complainant made a complaint to the office of Wafaqi Mohtasib alleging that he did not make the overseas calls and requested for their deletion. The Agency stated that the telephone installed in the name of the complainant was an STD digital phone with a code barring

facility. The calls record showed that the overseas calls were made from complainant's telephone. The Agency further clarified that the Agency's system of recording calls and billing was fully computerized and could not be manually interfered with. The complainant had the code barring facility on his telephone and without decoding the telephone, the making of such calls was not possible. The Wafaqi Mohtasib rejected the complaint on the ground that that the telephone remained under the control of complainant and he was responsible to avoid its unauthorized use.

69. The complainant made a representation against the Mohtasib's decision. He contended that the Mohtasib had not enquired from the Agency as to who had talked to the complainant from abroad on the overseas numbers.

70. The President rejecting the representation held that the Agency had no authority to intercept any call. In case it intercepts the calls without specific permission of the government it is breaching the subscriber's right of privacy. The complainant did not apply the code barring facility available on his phone and was thus liable to pay the bill.

The provision of services such as electricity, gas, water or telephone is not a contractual, but a legal matter

71. The complainant had a wireless (V-phone) connection of the Agency. He made a complaint to the Wafaqi Mohtasib alleging that the Agency had been unlawfully charging line rent from wireless consumers although the Agency had to bear no expenditure on the maintenance of any cables or wires. His opinion was that the land line consumers under an agreement with the Agency had to pay line rent meant for maintenance of wires and cables. The wireless phone consumers have no such agreement with the Agency.

72. The Agency's response was that the wireless phone consumers had been offered various packages. They could avail any of the packages including that of zero line rent according to their convenience. The line rent was charged legally after the approval of the competent authority i.e, Pakistan Telecommunication Authority.

73. The Wafaqi Mohtasib rejecting the complaint found that Agency's action was legal and no mal-administration was committed by it.

74. The complainant made a representation to the President challenging the findings of the Wafaqi Mohtasib.

75. The President while rejecting the representation held that the provision of services like electricity, gas, water or telephone was not a contractual matter. Rather it was a legal issue. The service providers are supervised by a regulatory authority. The regulatory authority had legally authorized the service provider to charge line rent.

The Agency is required to refund the line rent or adjust it in future bills for the period during which a telephone remains out of order

76. Thirty six residents of district Sahiwal alleged that the Agency had been charging line rent for the previous four months for non-functional telephones installed in their village. They requested the Wafaqi Mohtasib to direct the Agency either to refund their line rent or adjust it in their future bills.

77. The Agency denying the allegations explained that after restoration of the service, the complainants had been making calls from their respective telephones during these months. Therefore, the telephone service was available to them. The Wafaqi Mohtasib recommended that the Agency should either refund the line rent for the period when the lines remained faulty or adjust the line rent in the future bills.

78. The Agency made a representation to the President against the recommendation of the Wafaqi Mohtasib contending that the meters of the telephones showed that calls were made from their telephones. Hence telephones had been working and were not out of order.

79. The President, sustaining Mohtasib's recommendation, held that it was difficult to disbelieve that thirty six people joined together to conspire against the Agency. Their telephones could have possibly worked for a very short time and remained out of order for a longer period. The Agency adopted the policy of litigation instead of attending to the complaints like a prudent businessman. The line rent during which the telephone service remained disconnected should be refunded or adjusted in the future bills.

Pakistan Television Corporation (PTV)

When it is established that a person has more than one TV set in his house whether he has one electricity connection or not, he is liable to pay fee for each TV set

80. The complainant's house consisted of two portions. Each portion had a separate electricity connection and a TV set. The Agency charged Rs.25 as TV license fee through the monthly electricity bill. As the complainant had two electricity connections of his house, he had to pay Rs.25 for each TV set. The complainant's complaint was that if he had obtained one electricity connection he would have had to pay only one fee irrespective of the number of TV sets in his house. As he had two electricity connections he was being charged fee for two TV sets. He alleged that a number of houses having more than one TV set are charged fee on the basis of one electricity connection.

81. The Agency's position was that the TV license fee was imposed by the Federal Government and the Agency acted as an agent to collect the fee. The Agency made further arrangements with the electricity supply companies to collect the TV license fee. The fee is included in the monthly bills of those consumers who have electricity consumption of 100 units or more in a month.

82. The Wafaqi Mohtasib rejecting the complaint found that the Agency was justified to charge the TV license fee for each set possessed by the complainant.

83. The complainant made a representation to the President against the findings of the Wafaqi Mohtasib. He based his representation on the following points;

- (a) A fee could not be charged under the Wireless Telegraphy Act, 1933 as that Act has been repealed by the government.
- (b) The number of television sets in a house was not mentioned in the Television Licensing Rules, 1970 to justify charging a fee per set.

84. The President while rejecting the representation of the complainant held that the government had only abolished radio license fee and had not repealed the Wireless Telegraphy Act, 1933. The Television Licensing Rules, 1970 require the issuance of a license for each TV set separately. A person with more than one TV set in his house is liable to pay the fee for each set when it is established that he is in possession of more than one TV set in the house. The complainant himself admitted that he was holding two sets; so he could not be exempted from payment of fee for each TV.

PEPCO (FESCO)

Where a suit is dismissed on account of non appearance the matter becomes res-judicata

85. The Agency imposed two charges each of three months on the complainant. The first charge was made from April to June, 2004 and the second charge from October to December, 2004. The complainant alleged that both the charges were unjustified and baseless. He requested the Wafaqi Mohtasib for cancellation of these charges and restoration of his domestic connection.

86. The Agency's point of view was that inspection of the complainant's house was made in July, 2004 and the consumer was caught stealing energy by tilting the meter and was thus charged for three months from April to June, 2004. Another inspection was conducted in December, 2004 and at that time again the consumer was stealing electricity through a direct connection with the Agency's main line. Hence the second charge was made from October to December, 2004. The Agency also stated that the complainant had filed a civil suit in the court of law against the Agency which was dismissed due to non appearance of the complainant in 2005. The complainant argued that the said suit was withdrawn by him and was not dismissed. The Agency on the other hand produced a copy of the court's judgment that confirmed dismissal of complainant's case on account of absence.

87. The Wafaqi Mohtasib rejecting the complaint found that the record of the consumption of electricity showed that the complainant had been involved in theft of electricity.

88. The complainant made a representation to the President against the findings of the Wafaqi Mohtasib.

89. The President while rejecting the representation of the complainant held that the complaint was dismissed from the court of law due to the complainant's non appearance. Where a suit is dismissed on account of non appearance the matter becomes res-judicata.

PEPCO (HESCO)

Official acts are presumed to be correct unless they are objectively disproved

90. The complainant applied for the post of Assistant Lineman in the Agency. He qualified the written test and appeared in the interview in March, 2006. The complainant complained to the Wafaqi Mohtasib in October, 2007 alleging that the Agency did not appoint him while some other persons had been appointed without merit. He requested that the Agency be directed to appoint him as Assistant Lineman.

91. The Agency's view point was that in the final merit list which contained marks of the written test and interview, the name of the complainant was at no.27 whereas 20 posts were vacant. Therefore, the top 20 candidates on the merit list were offered the job. The candidate, being low in the merit list, was not appointed.

92. The complainant made a representation against the Mohtasib's decision.

93. The President, while rejecting the representation, held that the Agency had to appoint only 20 persons while the complainant stood at no.27 on the merit list. There were no means to disbelieve that the Agency's merit list was not prepared on merit. The presumption of correctness of merit list was attached to the official acts. The merit list must be presumed to be correct.

PEPCO (LESCO)

Official acts are deemed to have been performed in good faith unless it is proved that the Agency acted with malafide intentions

94. A team of the Agency inspected the meter of the complainant in March, 2007 and found that the complainant was stealing electricity by direct connection from the line before the meter. On the basis of that the complainant was charged for a period of six months from September, 2006 to February, 2007. The complainant complained to the Wafaqi Mohtasib against the bill by denying theft of electricity. The Agency's view was that at the time of inspection the complainant was present on the occasion and an FIR for theft of energy was decided to be lodged against him, but it was not done on his request. The Mohtasib after investigation found that the charge was justified and rejected the complaint.

95. The complainant made a representation to the President against the decision of Wafaqi Mohtasib.

96. The President in his decision held that the Agency has the power to charge the complainant on the basis of load factor if the complainant makes a direct connection with the Agency's line. The complainant was found stealing electricity and no evidence was produced to show that the Agency's action was based on malafides. Official acts are deemed to have been performed in good faith unless it is proved that the Agency acted with malafide intentions.

PEPCO (PESCO)

Where a person receives benefit by the mistake of other person, he must return the benefit to the other

97. The complainant got an electricity connection from the Agency for his tubewell for irrigation purposes. He had been paying monthly bills under agricultural Tariff-52. In May, 2007 the Agency issued him a bill amounting to Rs.105,157. The complainant moved an application in the office of Wafaqi Mohtasib contending that the Agency imposed upon him an unjust fine of Rs.105,157.

98. During investigation, the Agency stated that the complainant obtained a connection for an agricultural tubewell for which electricity charges were lower (Tariff-52). Later on he himself, in violation of rules, began to use the tubewell for supply of drinking water. For this use, the complainant was required to pay higher charges under the drinking water Tariff-46. But by mistake the Agency continued to charge him irrigation Tariff-52. When the Agency learnt that the complainant was using electricity other than for irrigation purposes he was asked to pay charges for the last six months under Tariff- 46 after deducting the charges already paid by him under Tariff-52.

99. The Mohtasib found that the complainant had been using the electricity unlawfully for running a drinking water tubewell instead of an agricultural tube well. Therefore, his complaint was rejected.

100. The complainant made a representation to the President against the Mohtasib's findings contending that it was the Agency's mistake not to charge him under the drinking water Tariff-46 rather than the agriculture Tariff-52.

101. The President sustaining the Mohtasib's finding held that where a person receives benefit by a mistake of the other, he must return the benefit to the other person.

The Agency should charge the cost of electricity as recorded by the meter unless it is proved that the security of the meter was breached by the consumer and it was stopped from recording the electricity consumption

102. The Agency imposed two charges on the complainant on the basis of connected load. The complainant complained to the Wafaqi Mohtasib against the Agency for these unjust charges. The first charge was made on account of using direct connection and at that time the assessed connected load was 2.5 KW while the second charge was levied on the allegation of unbalancing the meter with a connected load of 4 KW.

103. The Wafaqi Mohtasib rejected the complaint on the basis of the consumption data which showed that consumption was lower during charged periods as compared to the consumption in the same months of the previous as well as in the period immediately following the detection.

104. The complainant made a representation against the Mohtasib's decision.

105. The President while accepting the representation held that where electricity was supplied through a meter, the Agency could only charge cost of electricity registered by the meter unless it was proved that the meter was stopped from recording the consumption. The charges of the Agency imposed on the ground of load factor were not justified without first proving that the meter's security had been broken into in such a manner that the consumption had been stopped from being recording adequately.

Demanding arrears of a higher tariff from the owner of a seasonal industry (an ice cream factory) who has wrongly been billed at a lower tariff, is unfair if the owner had not benefitted alone from the low cost of electricity being supplied to his factory and had passed the benefit to the customers as well

106. In 2002 the complainant applied for an electricity connection for his ice cream factory and the Agency issued him a demand note of Rs.56231. The Agency started billing him under industrial tariff (B-1).

107. In September, 2007 the complainant received a bill amounting to Rs.1,28,068 as arrears for payment. The Agency did not mention the nature of arrears being charged from the complainant. The complainant made a complaint to the Office of the Wafaqi Mohtasib. In the application he alleged that the Agency had imposed an unjust fine upon him and requested for remission of that fine as he had been regularly paying his bills under industrial tariff (B-1).

108. The Agency's version was that in May, 2007 an objection was raised by the audit staff during audit of the Agency's record that the complainant's ice cream factory was a seasonal industry and the Agency should had charged him under seasonal tariff (F) which was higher than the lower industrial tariff (B-I) being paid by him. On the basis of this objection, the Agency demanded Rs.1,28,068 as differential of the two charges (seasonal and industrial tariffs) from 2002 to 2007.

109. The Wafaqi Mohtasib rejected the complaint and found that the complainant was liable to pay seasonal tariff instead of industrial tariff that had been wrongly charged.

110. The complainant made a representation against the Mohtasib's decision.

111. The President while accepting the representation held that the Agency had been charging him under a lower tariff (B-1) i.e. industrial tariff since 2002 and the complainant had been paying the bills regularly. The complainant had not exclusively been enjoying the benefit of the lower tariff. He might have passed on the benefit to the consumers of the ice cream as well. Asking him to pay the difference from which he had not fully benefitted himself and which he could not recover from his consumers was unfair. The Agency was required to have examined

the audit objection in the first instance. In case the objection was found valid the Agency should have intimated the complainant giving him full opportunity to contest the objection. By not doing so, the Agency was guilty of maladministration and now needed to withdraw the change.

A representation cannot be made to the President when the decision of the Wafaqi Mohtasib is based on a compromise between the Agency and the complainant

112. The complainant had a domestic electricity connection. In November, 2007, he received a bill of Rs.15,675 from the Agency. The Agency issued the said bill on the basis of 5.5 KW connected load. He complained to the Wafaqi Mohtasib saying that the charges were unjustified and pleaded for their remission.

113. During the course of investigation both the Agency and complainant agreed that Agency would reassess the charge on the basis of a connected load of 3.5 KW instead of a 5.5 KW. After the compromise the Mohtasib closed the investigation.

114. The complainant made a representation to the President against Mohtasib's decision.

115. The President rejecting the complaint held that a representation cannot be made against the decision of the Wafaqi Mohtasib made on the basis of a compromise between the parties.

Quaid-e-Azam University

A mistake by the Agency cannot override academic regulations. Issues of an academic nature can only be decided by the university under its regulations and are unsuitable for adjudication by courts or any other forum

116. The complainant got admission in the Agency to do his M.Sc. in Anthropology during the session of 2002. She submitted her thesis which had been accepted but she was not awarded the M.Sc. degree. She complained to the Wafaqi Mohtasib.

117. The Agency's stand was that the complainant did not pass the first semester and also remained absent in the fourth semester. A student who failed in one semester was given only one chance according to the university regulations during the entire period of study. A student failing twice ceased to be the student of the university. As the complainant failed in the first semester and absented herself in the fourth semester, she was no more student of the university. She was therefore denied the award of degree.

118. The complainant contended that she was registered in the fifth and sixth semester by the Agency. The Agency explained that due to mistake on the part of the Agency she was inadvertently registered in the fifth and sixth semesters. The Wafaqi Mohtasib after investigation recommended that the Agency should award the M.Sc. degree to the complainant as the university by allowing the complainant to do the fifth & sixth semesters, had in effect waived off the conditions of the regulations that she was no longer the student of university and was now estopped by its own conduct.

119. The Agency made a representation against the Mohtasib's findings.

120. The President held that the academic regulations of the University declared the complainant as no more a student of the university because she did not qualify the fourth semester. Permitting the complainant for the fifth and sixth semester was a mistake on the part of the Agency but the question was whether a mistake by the Agency had overridden the academic regulations. The regulations were made under the authority of law and principle of estoppel could not be applied against the law. The issues of academic nature could only be

considered by the university according to the university rules. Such issues were unsuitable for adjudication by courts or any other forum.

Sui Northern Gas Pipelines Limited (SNGPL)

Wafaqi Mohtasib can only act for redressal of existing, and not for future, problems

121. The Agency dug up a street at three points for providing gas connections to the residents of that street. After digging the site the Agency neither provided connections nor filled up the holes. The open holes created inconvenience to the residents of the locality and the complainant requested the Wafaqi Mohtasib to take action against the Agency.

122. While investigation was in progress the Mohtasib learnt that the Agency had restored the street by filling in the holes. However, he recommended that if such acts were repeated in future the relevant Cantonment Board of the area should be approached for appropriate action against the Agency.

123. The complainant made a representation to the President against the recommendation of the Mohtasib. In the representation he contended that the Agency should be warned to avoid such unlawful practice in future.

124. The President rejecting the representation held that the office of Wafaqi Mohtasib could act only for redressal of existing problems and not for future problems.

SELECT FINDINGS OF THE WAFAQI MOHTASIB (OMBUDSMAN) – 2010

Communications Division

If payment of pension to a retired Government servant is delayed by the agency then he is entitled to compensation for the period of delay

125. The complainant contended that he was compulsorily retired from the post of Assistant Senior Post Master on 24.06.2006. His pension was sanctioned by the Audit Office Lahore on 20.10.2006 but it was not paid to him till the institution of the complaint on 5.11.2008.

126. The agency reported that two cases of fraud were registered against the complainant by F.I.A, D. I. Khan. During investigation of those cases F.I.A. instructed all the banks as well as the Senior Post Master D. I. Khan to freeze all bank account and monetary transactions relating to the complainant. Subsequently the complainant was retired from service and Senior Postmaster D.I. Khan made the payment of pension and commutation arrears to him on 8.11.2008.

127. The complainant demanded profit @ 12% per annum for a period of two and half years due to belated payment by the Agency. During investigation it was found that neither the F.I.A. nor the Accountability Court-II, Peshawar, had issued any order regarding non-payment or seizure or attachment of the complainant's pension. It was recommended that profit at the prevailing bank rate be made by the Agency to the complainant for the period of delay.

State Life Insurance Corporation (SLIC)

If the policy forms are accepted by the Insurance Company and premia are received with regularity than a death claim cannot be repudiated

128. The complainant's husband took out a policy of Rs.42,000 and had been paying annual instalments for a period of 10 years. The policy holder died on 27.07.2006 but the death claim filled by the complainant was rejected by the Agency on the ground that the policy holder wilfully concealed his age while signing the proposal form. The complainant further added that the year of birth of her deceased husband was fraudulently changed from 1918 to 1948 by the State Life Insurance's agent.

129. The Agency reported that the deceased policy holder was not insurable at the time of filling the proposal form as his age was 79 years.

130. During the investigation, it was found that the field worker of the agency accepted the photocopy of the deceased insurant's I.D. Card without any verification. It was thus seen that the correct date of birth of the policy holder was 1918 and, therefore, at the time of purchase of policy, he was of 79 years of age instead of 49 years and being over-age was not eligible for life policy. Thirty years of age difference was not a small one. Physical features of a person of 79 years old differ widely from that of person of the age of 48 years. The difference in appearance thus must be quite distinguishable. It, therefore, should not have been difficult for the field worker to assess that the individual seeking life policy was quite old and did not qualify for the policy. He, on the other hand, witnessed the copy of CNIC with a forged date of birth without consulting the original card. Had he called for the original CNIC and seen it, the change in the date of birth could easily have been detected right at the initial stage. But he did not do so. This clearly shows that the field worker, for the sake of his business interest, knowingly and intentionally accepted a tampered document.

131. It was concluded that as the agency accepted the incorrect date of birth and issued the policy on 22.7.1996 and kept on receiving the premia right upto the time of death of the insurant on 29.7.2006, it could not deprive the complainant's widow for the death claim.

132. It was recommended that death claim in terms of policy be paid to the nominee of the deceased and action be taken against the delinquent field worker of the Agency.

If the insurant declares his ailment at the proposal stage, his death claim cannot be repudiated

133. The complainant's elder brother purchased life insurance policy on 23 December, 2005 after being examined medically by the Agency's doctor. The insurant died on 13 January, 2007. The Agency refused to pay the death claim resulting in the instant complaint.

134. The Agency reported that the policy was issued on 23rd December, 2005 with the yearly premium of Rs.40452 but the second year's premium was not paid within due date. Therefore, the policy lapsed but it was revived on 19 October, 2006. The death claim inquiry revealed that the deceased policy holder was suffering from rheumatic pain since the pre insurance period but he did not disclose it at the time of issuance or revival of the policy. The insurant remained under treatment of a doctor who gave a certificate that the patient was suffering from rheumatic pain for two and a half years. The insurant was specifically asked about his health through the questionnaire form. He had replied that he was enjoying good health. Hence, he did not disclose his ailment which was detected at a later stage. So the death claim was repudiated.

135. During the hearing proceedings, the sales manager of the Agency stated that the late insurant at the time of his medical examination had informed the authorized doctor that he was

suffering from backache. The insurant had neither got treatment nor taken any medicine for the ailment.

136. It was found that the policy was issued after getting the insurant medically examined through the authorized doctor of the Agency and the insurant had paid two yearly premia. The representative of the agency had stated that the late insurant was suffering from sciatic pain (backache) which he had declared at the proposal stage. It was, therefore, held by the Wafaqi Mohtasib that the question of concealing the same at the revival stage did not arise as the policy was revived by the Agency itself after fulfilling the procedural requirements.

137. It was recommended that the Agency should pay the death claim as well as other connected benefits admissible under the rules to the legal heirs of the insurant.

Pakistan Telecommunications Company Limited (PTCL)

A raise in tariff has to be adequately publicized in the interest of transparency

138. The complainant stated that he used to make calls on a mobile phone number in U.K @ Rs.15 per minute. On 26.10.2007, PTCL started charging Rs. 30 per minute for such calls thus increasing the international call tariff arbitrarily.

139. The agency reported that the complainant had dialled a mobile phone number of a telephone company namely Hutchison 3-G, U.K so call rates were charged @ Rs.30 per minute as per tariff issued on 10.8.2007. The Agency admitted that change in tariff was not advertised in the press for the information of the general public.

140. It was recommended by the Wafaqi Mohtasib that the complainant be charged @ Rs.15 per minute for the calls made to U.K during the months from September, 2007 to February, 2008. The Agency was also directed to publish any change in call rates, in the national press for the information of general public.

Whenever a tariff is increased, the Agency should give it due publicity for information of the general public.

141. It was stated in the complaint that PTCL had offered a free local call package through advertisement in national newspapers including the daily "Nawa-e-Waqat" on 5-6-2008. The complainant availed the facility. Subsequently, the complainant made an inquiry from the PTCL Helpline and was informed that the said facility had been withdrawn w.e.f. 1-10-2008. The complainant stated that the Agency was trying to give deceptive information to the subscribers for enhancing its revenues.

142. The Agency reported that the free local call facility was withdrawn on 30-9-2008 at 12.00 midnight with prior notice to the customers published in the dailies "The News", "Ausaf" and "Pakistan Observer".

143. During investigation it was found that the Agency had advertised its free local call package in the print media including the daily "Nawa-e-Waqat". However, notice regarding withdrawal of the said facility was published in some other newspapers excluding the daily "Nawa-e-Waqat" Thus, the readers of that newspaper were deprived of important change of tariff information. It was recommended that the Agency should not charge the complainant for local calls made from his telephone from 30-9-2008 to 13-10-2008.

A public agency should not deny a service for lack of petty formalities.

144. The telephone installed at the residence of the complainant was disconnected by the Agency due to non-payment. Even after depositing an amount of Rs.4370 and obtaining a clearance certificate on 26.12.2007, the complainant's telephone was not restored till 26.12.2007 and another bill of Rs.2946 was sent to her. She therefore, filed a complaint.

145. The Agency reported that after depositing the dues the subscriber applied for NOC, which was issued to her. However, no formal application for closure of telephone was received by the Agency so her telephone connection remained intact. She failed to make payment of dues so her telephone was disconnected on 19.5.2008 and she was billed till October, 2008. Later on, the Agency waived off a sum of Rs. 2500 for the period beyond 19.5.2008. The Agency provided details of the monthly telephone bills according to which an amount of Rs.2946 was outstanding.

146. During investigation it was found that the complainant had requested for restoration of her telephone but the Agency kept the service suspended till May, 2008. The Wafaqi Mohtasib held that the Agency should have acted promptly to restore the service after issuance of clearance certificate by the concerned Accounts Officer. The charges levied by the Agency after keeping the telephone facility closed for no fault of the complainant, were unjustified.

147. It was recommended that the Agency should withdraw and cancel the bill of Rs.2946 and should restore the telephone connection immediately.

Ministry of Local Government & Rural Development

Payment of Supplier Company's bill cannot be withheld pending confirmation that G.S.T. was deposited in the Government treasury

148. Pakistan Engineering Company Ltd. (PECO) filed a complaint that it had supplied 41935 bicycles to Ministry of Local Government and Rural Development in 1995 and 1996. The total amount of bill was Rs. 105.128 million out of which the Agency paid Rs. 103.272 million leaving a balance of Rs. 1.856 million pertaining to additional sales tax, transportation charges, export tax and octroi. After prolonged correspondence, the Agency intimated to the complainant on 10.07.2007 that payment of Rs. 0.910 million would be made. Despite that, the Agency was not making the payment to the complainant.

149. The Agency reported that the relevant record of the case was destroyed during the fire incident at the Shaheed-e-Millat Secretariat, Islamabad on 15.01.2002. The representative of Supplier Company was verbally asked by the Agency to provide documentary proof for depositing the enhanced G.S.T. which was not provided by the company. The complainant company was also asked by the Agency to obtain a certificate regarding payment of G.S.T. on the sale of bicycles. However, the Sales Tax authorities refused to issue such a certificate in the absence of the original sales tax record.

150. On investigation, it was found that the Agency had purchased bicycles from the complainant company in 1995-96 at ex-factory price plus sales tax @ 15%. However, the government increased the rate of G.S.T. to 18% w.e.f. 1.07.1996 and subsequent invoices issued carried a sales tax of 18%. However, the Agency had paid the complainant sales tax at the old rate of 15%. Hence the arrears being demanded by the complainant.

151. The critical point considered was whether a buyer was entitled to demand proof of payment of sales tax from the seller before it makes payment to the seller? It was determined that under the law, GST is payable by the purchaser and the seller collects GST on behalf of Sales Tax Department and after its collection, it is to be deposited in the Government treasury. If the seller fails to collect it from buyer, or having collected it fails to deposit it, or does not

deposit full amount, the Sales Tax Department can collect it from the seller. The purchaser cannot refuse to pay the GST to the seller on the ground that the seller should first pay the GST and provide proof of payment and only then it (the buyer) will pay the GST to the seller. The buyer is obliged to pay GST to the seller at the prescribed rate and it is not the buyer's responsibility to see that the seller had paid the GST in the Government account. This is the job of the Sales Tax Department which audits the records of sellers from time to time to see the GST at the prescribed rate is deposited in the Government account.

152. It was also seen that the complainant company (PECO) was a company of State Engineering Corporation which was a state owned enterprise under the control of Ministry of Industries and Production, and its accounts were audited by Government auditors, who had pointed out the non-recovery of GST from the agency. Consequently, the agency should have had no reason to doubt that the company may not have paid the required GST in the Government account.

153. For the reasons sated above, it was found that the agency was not justified to refuse payment of GST at 18% to the complainant company and it is recommended that the agency should make payment of balance amount of GST to the complainant company.

Railways Division

Eldest divorced daughter of a deceased government servant falls within the definition of 'Family'

154. The complainant stated in her complaint that her father was an employee of Pakistan Railways who died on 1.6.1993. His family pension was granted to her mother who also died on 13.6.2007. She was the only legal heir of her parents and was divorced so she was entitled to the family pension. However, the Agency did not grant her the family pension.

155. The Agency reported that the eldest widowed daughter of a deceased pensioner was entitled to family pension but a divorced daughter was not included in the definition of the family.

156. During investigation it was noted that the Punjab government had included the divorced daughter in the definition of the family. Hence, after due consideration the Wafaqi Mohtasib held that the status of a divorced daughter of the deceased government servant was at par with that of a widowed daughter.

157. It was recommended that the complainant be allowed family pension of her deceased father, in relaxation of the rules, and in this behalf approval of the competent authority be sought.

Pakistan Post

The family of a deceased government servant is entitled to get house rent for 5 years in case of a self hired house

158. The complainant stated that after the death of her husband, who was in service, on 3.12.2005, she was entitled to get financial assistance including payment of house rent but she was not given her due right.

159. The Agency reported that all the benefits including gratuity, benevolent fund, group insurance and financial assistance had been paid to the complainant whereas her pension case was under process. As regards lump sum payment of house rent for 5 years, there was no such

provision in the law or rules. Although payment of monthly rent of a hired house for 5 years was admissible yet in the instant case, the family of the deceased employee was residing in its own house so it could not be paid monthly rent for 5 years.

160. It was held by the Wafaqi Mohtasib that non payment of house rent in respect of self hired house for 5 years, after the demise of government employee did not appear to be fair as there was no difference between a “self-hired house” and a “hired house”. Hence, it was inexplicable as to why rent for self hired house should not be paid for five years after death of an employee, to the widow when it was paid in case of a hired house. Refusal to pay her house rent just because the house was self-hired was found to be irrational and against the objectives of a policy meant for the welfare of the family of a deceased public servant.

161. It was recommended that the complainant be paid house-rent for 5 years, w.e.f. the date of demise of her husband.

Fixed compensation by an agency in lieu of a loss caused by it to a citizen should be regularly updated.

162. The complainant’s registered letter containing rupee traveller’s cheques worth Rs.10,000 was lost by the Agency. He complained that inadequate compensation was being offered to him for the loss by the Agency.

163. During the investigation of the complaint, the postal authorities conceded that the letter had been received by them for delivery but had since become untraceable. They, therefore, accepted the responsibility for the loss. It was stated that in accordance with Rule-130 (b) of the Postal Guide, the Postmaster General may grant compensation upto Rs.250 for the loss of any inland registered letter, packet or parcel, or for damage to its contents which are of intrinsic value, in the course of transmission by post. The complainant was advised to file his claim for such compensation against which he filed his complaint.

164. It was observed by the Mohtasib that the amount of compensation payable under Rule 130 (b) of the Post Office Guide was fixed in 1991 and no revision had been made since. This was not a fair compensation keeping in view current market rate. It was, therefore, recommended that the agency should revise the amount of compensation keeping in view the inflation of past years.

The terms of purchase of government financial instrument should be transparent as they carry the trust of government.

165. The complainant stated that the Habibullah Havi Trust, a welfare organization, purchased Defence Saving Certificates (DSC) worth Rs.375,000. According to the profits rates printed on its reverse side, a sum of Rs.214,000 was due on a DSC valuing Rs.50,000, after nine years. Subsequently, he got the said DSCs encashed but he was paid Rs.1,399,000 as profit instead of Rs.1,680,000 and zakat amounting to Rs.35,600 was also unduly deducted. He requested that the Agency should pay the profit at the rate printed on the DSC and the zakat deducted should also be refunded.

166. The Agency reported that the profit was correctly paid as the competent authority had revised the rate of profit on 14.5.1999. However, the available stock of DSCs was issued to the investors after intimating to them the prevalent rate of profit..

167. During investigation it was found that the Trust did not qualify for exemption from deduction of Zakat. As regards the profit, the DSCs were purchased on 17.11.1999 and profit rates printed on its back were fixed on 13.11.1996. However, the Agency had reduced the profit rates on 14.5.1999 but the rates printed on the back of DSCs were not changed. The Agency’s

stance that the change was duly notified in all the General Post Offices, was negated when no mention of such a change had been made on the back of the DSCs purchased by the complainant and adequately communicated through the terms of the purchase.

168. It was held by the Wafaqi Mohtasib that since the terms and condition of investment in case of DSCs carried the guarantee and trust of the Government of Pakistan, it should have been provided to the investor in a transparent manner.

169. It was recommended that the profit be paid to the complainant at the rates printed at the back of DSCs at the time of its purchase.

Allama Iqbal Open University (AIOU)

All physically disabled persons should ideally be treated at par.

170. The complainant stated that blind persons can get free admission/education in AIOU. He desired to know as to whether the said concession was available to physically handicapped persons or not. If not, it was a discriminatory policy and violation of human rights.

171. The agency reported that no fee concession was available for persons having physical disability other than blindness. It was observed by the Wafaqi Mohtasib that it would be in the fitness of things if all handicapped persons were generally treated at par without discrimination. The agency's representative stated that the matter would be taken up with the policy making body of the AIOU for a policy decision. The department would prepare a summary for a decision by the Executive Council of the AIOU for a decision as early as possible.

Water and Power Development Authority (WAPDA)

In matters of build-up of arrears, the Agency cannot avoid responsibility for negligence.

172. The complainant had been living in his premises for 12 years and had always paid his bills regularly. He was suddenly served with a bill of unpaid bills for the period before he occupied the premises. The Agency's position was that an ice factory existed on the premises now occupied by the complainant and that bills against it for Rs.121,925 were outstanding.

173. The Wafaqi Mohtasib observed that this was a case where the Agency was placing the burden for payment of arrears on a citizen who was not a defaulter and had been regularly paying his bills since the last 12 years. On the other hand, the fact that arrears were allowed to build up reflected on the lack of efficiency of the Agency in its bill collection process. The Agency had the authority to cut off supply in case a consumer did not pay his bill. If it did not do so, it was consciously allowing arrears to accumulate which was not the best way of managing its revenues. It was still worse, unfair and inequitable to pass on this accumulation, in which the Agency had a clear hand, to an innocent consumer who had been meticulous in paying his bills for the use of energy.

174. It was the view of the Wafaqi Mohtasib that this convenient way of collecting its dues amounted to poor governance on the part of the Agency. In the first place, it was a party to the build up of the arrears. Secondly, it had been sleeping over the collection of its dues for 12 years. Thirdly, it was grossly unjust to pass on the burden of accumulated dues to an innocent consumer 12 years after he had taken over the premises. As the agency, by its own omission, had allowed the arrears to build up, it should now itself take up recovery through the legal process from the party which did not pay and whose connection the agency had decided not to cut off in view of this default.

The law on the licensing of electricity distribution agencies needs to be updated.

175. The complainant filed a complaint in the office of Wafaqi Mohtasib that the Agency had given connections to two CNG pumping stations by crossing the electricity line over his house without his permission.

176. The investigation showed clearly that the line was passing over the property of the complainant.

177. In this case the Wafaqi Mohtasib reviewed the legal position under the Electricity Act 1910 regarding the laying of infrastructure by electricity distribution companies over private property. As a large number of complaints received in the Wafaqi Mohtasib's office are on the subject of laying and shifting of such infrastructure over private property, the President had also taken note of it and had directed that this subject be reviewed in the light of the law and policy of the concerned agency. Consequently, on the initiative of the Wafaqi Mohtasib, PEPCO had set up a committee, with representation from the Wafaqi Mohtasib's office, to sort out the legal infirmities relating to placing of infrastructure by distribution companies over private property. By the end of 2009, PEPCO had still not proceeded further in holding the meetings to reach conclusions on the measures to be taken to address this situation in the light of the new law i.e. the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

178. Meanwhile, as complaints on the subject continued to pour in, their disposal was necessary and accordingly the Wafaqi Mohtasib gave his findings in accordance with his legal interpretation as the present case shows.

179. The legal position as interpreted by the Wafaqi Mohtasib in this case was that Section 12 of the Electricity Act, 1910 which requires the consent of the owner of a property for laying down electric supply lines, had been overridden by Section 51 of the same Act read with Notification No.SO.II(E)2/5-60 dated 06.06.1961, which confers upon WAPDA all the powers which the telegraph authority possess under Para-III of the Telegraph Act, 1885. Under the Telegraphs Act, 1885, the telegraph authority is authorized to maintain a telegraph line under, over, along or across any private immovable property.

180. However, Section 51 of the Electricity Act, 1910 gives this authority to a "licensee" as defined in the Act itself as any person licensed under Part-II of the Act to supply energy. Part-II of the Act provides for the provincial government to grant such a license to a person. Consequently, WAPDA was given the license under the Electricity Act, 1910 and thereby had the authority under Section 51 read with Part-III of the Telegraph Act, 1885 to place its infrastructure on or over any private immovable property.

181. On the other hand, in this case, it was the Multan Electric Supply Company (MESCO), which is a distribution company distinct from WAPDA with its own legal personality, which had laid the line over the complainant's property. MESCO is a licensee under the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997. A licensee under this Act had not been given the powers of the telegraph authority as envisaged in Section 51 of the Electricity Act, 1910. Therefore, it did not, at the moment, have the power to lay down its infrastructure over private property.

182. The present law on the licensing of electricity distribution companies needed to be amended to provide for such powers to the distribution companies under the Regulation of Generation Transmission and Distribution Power Act, 1997. In the absence of such a provision, MEPCO had no legal authority to lay down such lines.

Penalties cannot be imposed solely on audit notes if the facts do not warrant them.

183. The complainant was given an electricity connection for an agricultural tube well in January, 2004. In August, 2008, the Agency started charging tariff in respect of that connection at commercial rates. The complainant made applications to the Agency and in March, 2007, the tariff was changed from commercial to agricultural. He was found entitled to a refund of Rs.42051 but subsequently, he was subjected to excessive billing on his domestic and commercial meters. After sometime, he stopped payment of the disputed bills and so his transformer and other appliances were removed by the Agency. The complainant requested the Wafaqi Mohtasib to direct the Agency to correct his bills and restore the transformer etc.

184. The Agency reported that the complainant was found on 22.10.2004 to be misusing his agricultural tubewell connection for commercial purposes. He was charged with a detection bill for the period from July to December, 2004. Instead of paying the bill, the complainant resorted to litigation. He also requested the Chief Engineer, MEPCO for a refund of Rs.42051 on account of the difference in tariff. Therefore, the site was again checked and the tubewell connection was found being used for a cotton ginning factory. The consumer was using electricity in his office for the light load of his factory as well as his residence.

185. During the investigation, the representative of Agency could not produce the detection proforma prepared by the AMO concerned relating to the period from January to December, 2004. Moreover, the AMO, MEPCO wrote a letter to his senior on 11.1.2007 that the consumer was using supply for his agricultural tube well. Subsequently, the DMO concerned visited the site on 4.12.2008 and found that electricity was being used for the factory. However, he did not check the load because the consumer was not present there. Furthermore, his report did not indicate the use of electricity for commercial purpose during the period from 1/2004 to 5/2006. It was observed that as per procedure, a notice was to be served on the consumer by the Agency before changing tariff from agricultural to commercial which was not done. In fact, the only basis for charging the consumer on commercial tariff, was the audit notes. It was therefore, held that the Agency could not produce the requisite evidence to substantiate the charges against the complainant.

186. It was recommended that the Agency should withdraw both the audit notes and adjust the amount paid by the complainant in this regard as penalties cannot be imposed on the basis of audit notes if the facts do not support them.

Capital Development Authority (CDA)

A bonafide purchaser of a plot cannot be held responsible for the fraud committed by the original allottee.

187. The complainant stated that he purchased a plot in Islamabad from the original allottee and after fulfilment of the requisite formalities, CDA issued him the transfer letter, delivered the possession of the plot and also approved the building plan in respect of the said plot. Later on, the complainant took loans and occupied the house after its completion in 1997.

188. In April 2003, he applied for issuance of the transfer slip but the CDA intimated to him that the plot had fallen in the category of “dubious, fabricated and forged allotment.” Subsequently, CDA informed him on 19.11.2005 that the Fraudulent Allotment Scrutiny Committee (FASC) had decided to charge a reserve price of Rs.210,000 from him for regularization of the plot.

189. The Agency reported that the original allottee of the plot was issued an Eligibility Certificate in District Jhang. Later on, he secured the allotment of another plot in Islamabad by providing a false affidavit. As per rehabilitation policy, he was entitled to a single benefit. He sold the plot to the complainant who applied for transfer of house in favour of some other party in 2003.

190. When it was discovered that the original allottee had availed a dual benefit, the complainant's case was considered by FASC and it was decided to regularize the plot by charging a reserve price. During the hearing proceedings, the Agency could not produce any record to show whether criminal or departmental action was taken against the original allottee and the concerned functionaries of the Agency who facilitated him in committing the fraud.

191. After completion of the investigation, it was recommended that the Agency should not charge any reserve price from the complainant as he was a bonafide purchaser of the plot and had no knowledge of the defect in the transferor's title. The Agency was further asked to withdraw its letter dated 19.11.2005 asking the complainant to deposit the reserve price of Rs.210,000 and, if required, to regularize the plot in his favour.

Central Directorate of National Savings

Profit should not be denied to an investor on the basis of an erroneous advice of the Agency

192. The complainant on his retirement in 1998, invested Rs.400,000 with the National Savings Centre (NSC). He visited the said NSC on 16.06.2008 and saw banners & posters announcing that the rate of profit of Behbood Savings Certificate had been increased from 11.55% to 13.55% per annum. On his inquiry the Agency officials informed him that he could withdraw his invested amount after paying Rs.3,000 as service charges on account of pre-mature withdrawal and then reinvest it in the fresh scheme in order to get a monthly profit of Rs.4,250 instead of Rs.3,840. He therefore, withdrew his investment on the same day by filing a withdrawal coupon and deposited it with the application for reinvestment. Rs.3,000 were deducted as service charges and Rs.100 for opening a new account from his monthly profit.

193. The complainant visited the said NSRC on 16.07.2008 to receive his monthly profit but was refused profit @ 13.55 on the plea that it was applicable on investments made on or after 24.06.2008. He was advised to withdraw his investment again by paying another Rs.4,000 as service charges and reinvesting the amount to get the higher rate of profit. The complainant requested for the payment of profit on his investment at the rate of 13.55%.

194. After hearing and perusal of the record, it was determined that since the announcement of higher rates was made prematurely, the Agency was at fault and, therefore, the Agency was directed by the Wafaqi Mohtasib that the complainant's reinvestment on 16.06.2008 should be deemed to take effect from 24.06.2008. For the intervening period from 16.06.2008 to 24.06.2008, the complainant should be paid at the applicable rate of interest on his earlier investment.

195. The Agency filed a reconsideration petition under Article 11(2) of P.O. 1 of 1983 but during the course of the hearing both the parties agreed as under:

The petitioner may be paid profit for the period from 16.06.2008 to 15.07.2008 at the rate applicable on his earlier investment and the reinvestment made by him on 16.06.2008 may be given the date of credit as on 16.07.2008 without deducting service charges from him.

Account holders need to be compensated if their deposits are held by the Agency beyond the stipulated period

196. The complainant stated that his deceased father opened a Pensioner's Benefit Account (PBA) at the National Savings Centre and nominated the complainant as the heir. After his death, the Agency returned the original investment to the complainant but did not pay the profits for 3 months though the money remained with the Savings Centre.

197. The Agency reported that father of the complainant died on 26 October, 2005 after receiving profit upto September, 2005. As per PBA Rules, 2003, the complainant was not eligible to open or maintain a PBA, so the Agency paid the principal amount to him and the account was closed.

198. During investigation it was found that the father of the complainant made an investment of 1 million rupees by opening a PBA on 26-5-2003. He received monthly profit upto September, 2005 and died on 26-10-2005. Although the complainant was not eligible to open or continue the PBA, the investment of 1 million rupees remained with the agency for a period of 3 months after the death of the PBA holder.

199. It was held by the Wafaqi Mohtasib that the retained amount should be deemed to have been invested by the complainant in a regular scheme of the Agency and profit paid accordingly. The Agency was also advised to carry out appropriate amendments in the Pensioners Benefit Accounts Rules, 2003 and notifications issued thereunder, in order to provide for payments to legal heirs, not entitled to maintain a Pensioners Benefit Account, of profit for the period the investment remains with the Agency, on normal rates after prescribing for a reasonable processing time.

National Database and Registration Authority (NADRA)

The onus of correcting a mistake of the Agency cannot be shifted on to the client

200. The complainant was issued a CNIC on 15-10-2002 carrying her date of birth as the year 1948. The complainant claimed her year of birth to be 1968 on the basis of an entry in her manual identity card. She had applied for employment in a local school but she was declared overage on the basis of entry in her CNIC. The Agency's stance was that any change in age in her CNIC should be supported by a matric certificate, a service book or court decree. The complainant's stance was that it was a mistake committed by the Agency.

201. In this case, the complainant was illiterate and was not in government service. Her only option was to file a case in the court. The Agency claimed that as per its SOP, the complainant had to complete one of the prerequisites for changing the year of birth.

202. During investigation it was found that the complainant's year of birth was erroneously written as 1948 in the CNIC whereas in her manual identity card her year of birth had been correctly recorded as 1968. It was recommended that the Agency should issue a revised CNIC to the complainant without further formalities carrying her correct date of birth.

Sui Northern Gas Company Limited (SNGCL)

A connection disrupted through no fault of the consumer should be restored on its original terms

203. The complainant had a running industrial gas connection which was disconnected in August, 2000 owing to infrastructure laying operations. The complainant applied for reconnection after more than a year but was informed that owing to the removal of the company's installations from in front of his factory, his request for reconnection shall be treated as a fresh application for a gas connection.

204. The complainant's plea was that the supply to the factory had been disconnected owing to the "operational requirement" of the agency which came about as a consequence of the expansion of the road in front of the factory. During the investigation it was established that the company's equipment and installations that were feeding gas to the factory had been removed by the agency due to no fault of the consumer.

205. The agency quoted a clause in the contract with the complainant which stipulated that if the supply of gas to the consumer was disconnected for any reason, it shall be reconnected only after the consumer had paid the reconnection charges.

206. It was concluded by the Wafaqi Mohtasib that this clause was to be understood in the context of a disconnection being made owing to a delinquent act by the complainant. Asking the complainant to apply afresh amounted to forcing him to stand in a queue and wait for years for his turn without any fault on his part. This act was held to be unjustified and to amount to maladministration on the part of the agency.

207. It was recommended that the complainant's gas supply be restored as an old connection on payment of restoration charges.

CASES RELATING TO FREEDOM OF INFORMATION ORDINANCE, 2002

Ministry of Information & Broadcasting

Secret Funds Voted by the Legislature as Part of the Budget Process are not Open to Public Access

208. The complaint was that an application had been moved by the complainant to the Ministry of Information under the Freedom of Information Ordinance, 2002, seeking certain information on certain aspects of a secret fund in the Ministry of Information and Broadcasting. The Ministry opposed the request on the ground that such record was declared as classified and excluded from the purview of the Freedom of Information law.

209. It was observed by the Wafaqi Mohtasib that nowhere under the categories of debarred information provided in the law did such a fund exist. The question that arose in this case, however, was whether, in view of the nature of the fund, the information connected with it may be impliedly treated as classified information even if it has not been formally so declared under the Ordinance.

210. It was the view of the Wafaqi Mohtasib that as the title of the fund suggested, it was a secret fund and as such, its nature was different from that of other public funds which were subject to scrutiny and audit. The government had a number of secret service funds booked in the annual budget passed by the legislature. It followed that it was the clear intention of the legislature that expenditures from such funds are to be kept confidential.

211. The Wafaqi Mohtasib concluded that if it was the policy of the government to keep certain expenditures confidential, then the agency cannot be said to have indulged in maladministration if it had declined to divulge such expenditure.

National Highway Authority

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

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

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

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

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

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

Central Directorate of National Savings (CDNS)

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

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

217. The Agency reported that the complainant was the son of a lady who was an accountholder of an investment scheme and she did not apply for release of policies, rules etc. The Agency relied upon certain provisions of the Freedom of Information Ordinance, 2002 according to which copies of documents with regard to privacy and personal information of an investor could not be provided.

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

Ministry of Interior

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

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

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

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

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

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

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

POLICY FINDINGS IMPLEMENTED BY AGENCIES

Capital Development Authority (CDA)

A clear policy needs to be formulated for proposed changes in the layout plan of a residential sector or for utilization of an open area.

223. In a letter to the editor of the daily Nation attention was invited to the misuse of a children's play ground by the CDA as a mobile company had occupied the play ground and constructed a BTS tower.

224. It was recommended that for bringing about changes (major or minor) in the layout plan of a residential sector or for utilization of an "open" area of that sector, a clear cut policy as well as a procedure should be laid down, inter-alia, providing for proper criteria, transparent scrutiny as well as appropriate levels of competent authorities to approve such changes/proposals.

225. The CDA failed to implement the recommendations of the Wafaqi Mohtasib. Under the Presidential Order of 1983, a summary for 'Defiance of Recommendations' was sent to the President of Pakistan. The Prime Minister's Secretariat returned the summary with the remarks to revisit the same as necessary steps were being taken by the CDA to ensure the implementation of the recommendations of the Wafaqi Mohtasib.

226. The CDA has made a commitment that a detailed summary with prospective policy measures would be submitted to the CDA Board for final approval.

Central Directorate of National Savings (CDNS)

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

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

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

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

Postal Life Insurance (PLI)

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

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

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

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

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

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

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

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

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

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

Federal Employees Benevolent & Group Insurance Funds

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

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

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

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

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

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

Sui Northern Gas Pipelines Limited (SNGPL)

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

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

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

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

245. It has been confirmed that this policy has been introduced.

STUDY OF THE ALLAMA IQBAL OPEN UNIVERSITY (AIU)

246. Allama Iqbal Open University, established in 1974, is the only University in Pakistan which employs distance education as its primary teaching methodology. It provides opportunities

to acquire knowledge and qualifications to those who cannot go to regular educational institutions. It also caters to those who live in the remote areas of the country. Female students, in particular, are a major beneficiary who, while staying at home, can acquire higher educational qualifications through correspondence. The University engages qualified teachers as tutors responsible for providing guidance to students on the study material and for the evaluation of their assignments. It provides opportunities for education from Matric to the PhD levels and enrolls around 500,000 students in each semester of the two annual semesters, thus catering to about 100,000 students per year.

247. The number of complaints of maladministration lodged with the Wafaqi Mohtasib has increased during 2009 compared to the last two years (2007 & 2008). On an average around 75-80 complaints per month are received against the University.

248. The rise in the number of complaints during the year 2008 and 2009 compared to previous years became a cause of concern in view of its very large clientele. It was decided, therefore to set up a task force in the Wafaqi Mohtasib's office to look into the major factors generating complaints against the agency and, in collaboration with the AIOU, to address them through remedial measures.

249. Accordingly a Special Response Team (SRT) was constituted which was tasked to propose measures for improvement in the performance of the University and to address systemic issues which impede its smooth functioning. The team was to suggest measures for improvement in the systems and procedures of the University.

250. The causes of complaints against the AIOU are the same in 2009 as in the year 2008. The major complaints are against;

- i) delayed or non-issuance of degrees, certificates, diplomas and provisional result cards.
- ii) non-submission of assignments;
- iii) performance of tutors.

251. The SRT reviewed the nature of complaints generally made against the University and identified those of a repetitive nature which required a thorough analysis of the systemic issues and weaknesses. A comprehensive review of University policy and procedure was carried out in collaboration with senior officials of the University to ensure resolution of issues, streamlining of policies and procedures with the ultimate objective of removing irritants and minimizing the number of complaints against the Agency.

252. The issue of delayed or non-issuance of degrees, diploma and certificates constitutes around 75% of the complaints lodged during the year. The issue thrived on the ambiguity in the prescribed procedures and time frames required for their issuance. It was agreed that all degrees, certificates and diplomas etc must be issued within a maximum period of two years from the date of the declaration of results. The procedure in this regard was clearly spelt out and indicated in the booklet (Rahnuma Tulaba) and other documents issued by the University.

253. Assignments are an important constituent of the distance education system and the timeliness of their submission is of crucial importance for the students of the University. The process, procedures and the timeframe of submission of assignments was examined and it was considered imperative that some changes and modification be made in the procedures to ensure smooth functioning of the system. The composition of the Late Assignments Committee was revised by inducting senior officials of the University in the Committee. The University notified its revised composition. The Committee meets twice a month to consider cases pertaining to submission of assignments to the tutor and the regional office.

254. The Task Force also reviewed issues pertaining to appointment of tutors, their role and functions. Admission related issues and bottlenecks in the procedures in dealing with the use of unfair means cases were also addressed. In each case, the Task Force came up with specific recommendations after extensive discussions with AIOU authorities. .

255. The Task Force finalized its report on 30/9/2009 which was sent to the University for implementation.

256. The Report is at Appendix-II, the implementation of which is being closely monitored.

International Linkages

Chapter 6

International Linkages

International Cooperation

With the worldwide growth and development of ombudsmanship, and the diversity and complexity of issues dealt with by these institutions, it has become imperative to benefit from the mutual experience of such bodies. International and regional ombudsman associations provide useful platforms for exchange of information and meaningful and improved cooperation. Activities carried out under the umbrella of these associations can be of great utility to their members.

2. Pakistan has always participated with regularity in the conferences and the meetings of the Board of Directors of International Ombudsman Institute (IOI) and Asian Ombudsman Association (AOA) and has also the unique distinction of floating the idea of Asian Ombudsman Association in 1996. The Asian Ombudsman Association (AOA) was established in 1996. It now has 27 institutional members from 17 countries. Details are given below:

AOA Member Institutions		
S.No.	Member Institution	Country
1.	Ministry of Supervision	China
2.	Office of the Ombudsman of Hong Kong	Hong Kong
3.	Central Organization for Control and Auditing	Yemen
4.	Lokayukt Organization in Madhya Pradesh	India
5.	Indonesian National Ombudsman Commission	Indonesia
6.	Special Inspection Board	Vietnam
7.	Ombudsman Institution	Kyrgyzstan
8.	Commission for Human Rights	Azerbaijan
9.	Anti-Corruption and Civil Rights Commission	Korea
10.	Administrative Evaluation Bureau	Japan
11.	General Inspection Organization	Iran
12.	Commission Against Corruption of Macao	Macao
13.	Office of the Ombudsman	Philippines
14.	Office of the Parliamentary Commissioner for Administration	Sri Lanka
15.	Ombudsman of Thailand	Thailand
16.	Public Complaints Bureau	Malaysia
17.	Wafaqi Mohtasib	Pakistan (Federal)
18.	Federal Tax Ombudsman	Pakistan (Federal)
19.	Federal Insurance Ombudsman	Pakistan (Federal)
20.	Provincial Ombudsman of Balochistan	Pakistan (Balochistan)
21.	Ombudsman of Azad Jammu & Kashmir (AJK) Mohtasib	Pakistan (AJK)
22.	Ombudsman of Punjab	Pakistan (Punjab)
23.	Provincial Ombudsman of Sindh	Pakistan (Sindh)
24.	Federal Banking Ombudsman	Pakistan (Federal)
25.	Oily Majlis of Republic of Uzbekistan for Human Rights	Uzbekistan
26.	Commissioner for Human Rights	Tatarstan

3. The idea to form the AOA was originally mooted in 1995 in a meeting of the Board of Directors of the International Ombudsman Institute (IOI). The IOI which was established in 1978 for the exchange of information and experience among ombudsman institutions has a current membership of 150. It was urged at the IOI meeting that, like other existing regional ombudsman associations, an organization should be created to promote the principles and practices of ombudsmanship in Asia. Pakistan played an important role in mobilising support for this initiative. AOA has since developed as a credible regional body, providing a useful platform for cooperation, knowledge sharing and capacity building among ombudsman institutions of Asia.

4. Since its establishment, the responsibility of the office of President AOA has been assigned to the Wafaqi Mohtasib through elections. The AOA Secretariat is also housed in the Wafaqi Mohtasib Secretariat. The Wafaqi Mohtasib (as President of AOA) has continued to play an active role since its inception in the growth and strengthening of the Association. The AOA has been registered at Islamabad as a legal entity under the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.

5. The aims and objectives of AOA as spelt out in its foundation document are as follows:-

“The AOA has the following objectives: (a) to promote the concepts of ombudsmanship and to encourage its development in Asia; (b) to develop professionalism in the discharge of the functions as ombudsman; (c) encourage and support study and research regarding the institution of ombudsman; (d) to sponsor training and educational programs for the institutions of ombudsman in the region; (e) to provide scholarships, fellowships, grants and other types of financial support to individuals for study relating to the institution of the ombudsman; (f) to collect, store, disseminate information and research data about the institution of ombudsman; (g) to facilitate exchange of information and experiences among the ombudsmen of the region; (h) to plan, arrange and supervise periodic conferences of Asian ombudsmen; and (i) to undertake such other matters necessary to further the above objectives of the Association.”

During the year 2009 different activities were undertaken by the AOA and IOI to promote the concept of ombudsmanship and to encourage its development.

Asian Ombudsman Association (AOA)

11th Annual Meeting of the Board of Directors

6. The 11th Meeting of Board of Directors was chaired by the Wafaqi Mohtasib (Ombudsman), at Bangkok, Thailand on 2nd November, 2009. The other members who attended the meeting were representatives from the Republic of China, Hong Kong, the Islamic Republic of Iran, the Republic of Korea, Macau, Thailand and the Republic of Philippines. Several important issues were discussed by the BoD including implementation of previous decisions, status of progress on research studies and short studies assigned to different countries, and progress on the establishment of the Knowledge Management Resource Centre through donor agencies. Two new applications, from Tatarstan and the Banking Mohtasib of Pakistan for Associate and Full Memberships, respectively, were also approved.

11th Conference of AOA

7. The 11th Asian Ombudsman Association Conference was hosted by the Chief Ombudsman of Thailand, on 3rd and 4th November, 2009 at Bangkok and was inaugurated by Mr. Abhisit Vejjajiva, the Prime Minister of the Royal Kingdom of Thailand. The theme of the Conference was “The Role of the Ombudsman in the Process of Public Sector Reforms towards

Good Governance”. Over a hundred participants from Asia, the USA, Canada and Australia attended the Conference. Discussions revolved around the following sub-themes:

- i) Legal Reforms for the Good Governance in the Public Sector Delivery System.
- ii) Reforming the Public Sector Grievance Redressal System.
- iii) Promoting Role of Civil Society in the Ombudsman’s Charter.
- iv) Safeguarding Human Rights
- v) Promoting the Mediation Role of the Ombudsman

Meeting of the General Assembly

8. The meeting of the General Assembly of the AOA was held on 5th November, 2009. The moderator of the General Assembly was Mr. Javed Sadiq Malik, President of the AOA with 26 member countries participating in the session.

The General Assembly resolved to approve the following:

- i) Revised Code of Conduct of Business and Bye-Laws.
- ii) Applications of the Banking Mohtasib (Ombudsman) Pakistan, Authorized Person of the Oliy Majlis for Human Rights, Uzbekistan and Lokyukta of Utter Pradesh (India) for full Membership and Republic of Tatarstan (Russia) for associate membership.
- iii) Audited accounts of the Association for the years 2007 and 2008.

The RETA project of the AOA

9. The AOA has served a useful purpose as a forum to promote interaction among member institutions, especially at AOA Board meetings which are held once in two years. This has helped to broaden understanding between members who represent an enormous diversity in terms of mandates, jurisdictions, functions and processes. However, a need was felt for enhanced cooperation in more effective and meaningful ways. These included opportunities to learn from one another’s experience in furtherance of the objectives of good governance, greater accountability and more accessible complaint redressal mechanisms. It was also felt that capacity-building of members was needed to improve their own service delivery in terms of their ability to ‘diagnose, investigate and redress’ citizens’ complaints. It was felt that AOA members, especially the newly established ones needed a more focused exposure to the best practices being implemented in the field, especially those in vogue in the region itself.

10. With this in mind, AOA decided to seek technical assistance from the Asian Development Bank (ADB). The Bank approved a Regional Technical Assistance project (RETA) with an allocation of \$ 0.9 million for the purpose of “strengthening the Asian Ombudsman Association and its members”. The project was approved in June 2008 for completion by June 2010.

11. The RETA project was planned to be implemented in two stages. The initial phase was designed to identify the capacity gaps of member institutions as well as to document the best practices found in the region. Based on the needs assessment exercise, a workplan for capacity building was envisaged. For this purpose, a questionnaire-based survey was undertaken. The objectives of the survey were to ascertain institutional needs of members; identify their capacity constraints; highlight successful reform initiatives; and upgrade capacity of the AOA and its members. The second phase of the TA implementation envisaged the funding of

capacity-building activities and knowledge-related products for upgrading the members' capacity and to develop the AOA Secretariat as an interactive resource centre.

12. The workplan developed through the above process identified several capacity-building interventions like study tours; training secondments, retreats and a regional conference. The project also provided for developing knowledge products in the form of cross-country studies and policy papers examining important themes and issues related to the ombudsmanship. Another key component for upgrading the AOA Secretariat as a resource centre was the up gradation of its website and provision of e-library facilities.

13. The project is now in an advanced stage of implementation. Its progress is being monitored by an AOA Advisory Committee headed by the Wafaqi Mohtasib in his capacity as President AOA.

14. Progress achieved upto December 2009 in the project is described below in terms of major activities approved by the Advisory Committee, the main milestones achieved to date and those planned to be implemented during the remaining life of the project.

Survey for Assessing the Capacity Development Needs of AOA and Its Members

15. This survey was completed in October 2009. The survey report provided a comparative picture of the mandates, jurisdictions, functions and powers of member institutions. It identified a set of best practices and innovative measures being implemented. It brought out capacity gaps and training needs in terms of proficiency levels, importance given to work, and training priorities in the areas of administration and governance, leadership and management and general and specialized skills. The survey report is as an important document for adopting strategies of strengthening AOA and its member institutions.

16. A broad view of the best practices and innovative measures identified in the report is provided below:-

- (a) Strong political will and comprehensive approach to redressing citizens' complaints (Hong Kong).
- (b) Use of IT to expedite processing of complaints (South Korea; Thailand; Wafaqi Mohtasib Pakistan).
- (c) Citizen Report Card: The Philippines; Wafaqi Mohtasib (Pakistan); Public Affairs Office Bangalore (India).
- (d) Administrative Counselling System (Japan).
- (e) Corruption Vulnerability and Resistance Assessments (The Philippines).
- (f) Quality Management System (Malaysia, Hong Kong).
- (g) Networking and Civil Society Engagement. (Japan)
- (h) Children Service (Wafaqi Mohtasib Pakistan).

Capacity Building Programme

17. Based on the recommendations of the survey report, four activities for upgrading capacity of members have been incorporated in the workplan. These are study tours; training; secondments and retreats. A regional conference is proposed to be held on conclusion of the activities.

Study Tours

18. With a view to observing at first hand the best practices in vogue in high performing institutions, four study tours have been planned for participants at the policy level. The following host institutions have been selected:-

- ACRC South Korea
- PCB Malaysia
- AEB Japan
- Ombudsman Office The Philippines.

Study tours to South Korea and Malaysia have since been completed during November-December 2009. These were attended by Thailand, Hong Kong, the Philippines, Japan, Sri Lanka as well as the Wafaqi Mohtasib, Provincial Ombudsman of Balochistan, Federal Tax Ombudsman and Insurance Ombudsman from Pakistan. Study tours to Japan and the Philippines have been scheduled for January-February 2010. Participants will be from Malaysia, Indonesia, South Korea, Iran, Vietnam, India, Macau, China and Yemen as well as Ombudsman of AJK and the Provincial Ombudsmen of Sindh and the Punjab.

Training

19. The approved workplan envisages training for professional and technical cadres of member institutions. A training programme has been organized in Bangkok from February 8-11, 2010. Customised training will be conducted by the Ombudsman of Ontario (Canada), an institution with world-wide experience in human resource development. The main focus of the training will be on improving investigative skills related to ombudsman work. The approved modules inter-alia include the following subjects:-

- Principles and Challenges of Excellent Investigations
- Systemic Investigations: Special Ombudsman Response Team
- Planning an Investigation
- Witnesses, Interviewing, Documents and Physical Evidence.

The above training will be conducted through scenario-building, case-studies and interactive discussions.

Secondments

20. Based on survey results, the project provides an opportunity to staff working at operational levels in 7 member-institutions to benefit from a 12-day secondment to a highly performing institution. The idea is to carry important lessons to one's own country. The host countries under the secondments programme are Hong Kong, South Korea, Malaysia, the Philippines and Pakistan. The benefiting countries are Indonesia, Vietnam, Sri Lanka, Azerbaijan and Kyrgyz Republic apart from Pakistan and AJK. The secondment programme is scheduled to take place between January-February 2010.

Retreats

21. The approved workplan also envisages two retreats to be held in Indonesia and Vietnam respectively in March 2010. The purpose of the retreats is to provide a forum for member institutions to highlight the key common lessons learnt from the RETA project activities. Members will be divided into two groups based on common themes and issues. Wafaqi Mohtasib, Provincial Ombudsman of Balochistan, Federal Insurance Ombudsman and AJK are scheduled to participate in the retreat at Indonesia, while the Federal Tax Ombudsman and the

Provincial Ombudsmen of Sindh and Punjab will attend the retreat being organized in Vietnam. The two retreats have been planned for March 2010.

Regional Conference

22. A regional conference is also planned before the end of the project to take stock of the overall results and outcomes of project activities and to envision a possible roadmap for the future. An important feature of this conference, scheduled to take place in Manila in August 2010 will be to share the conclusion of the retreats and the findings of the cross-country studies undertaken under the project.

Cross-Country Studies

23. Five cross-country studies by eminent scholars have been commissioned under the project. The purpose of these studies is to provide a knowledge-base to AOA and its members on the concept and functioning of Ombudsman institutions in the Asian context.

24. In addition, a study has been designed to examine the systems of public grievance redressal in Pakistan, given the wide-ranging nature of ombudsman institutions in Pakistan. It is expected that the study will serve as a useful tool for all member institutions of AOA apart from Pakistan.

Upgrading AOA Resource Centre

25. A key objective of the TA is to strengthen the AOA Secretariat as a regional resource centre with information sharing and knowledge dissemination capacity. The aim is to develop the AOA as a platform for interactive exchange of information and ideas. For this purpose a consultant has been engaged under the T.A. to upgrade the existing website and develop e-library facilities. A plan is under way for providing a highly interactive and dynamic website characterized by extensibility, easy accessibility and security. For the e-library, progressive digitalization is planned.

26. The project under implementation with ADB's assistance is expected to contribute significantly in terms of capacity building of AOA and its members. It will enable them to fulfil their basic mandates more effectively, and enlarge opportunities for a more constructive partnership.

The International Ombudsman Institute IOI

27. The IOI, a world wide organisation of Ombudsman offices, which was established in 1978, has a membership of 137 institutions. The IOI Board of Directors has 19 members from different regions. Pakistan is an elected member from the Asia region.

28. The year 2009 was significant in the IOI's history as the 9th World Conference was held in Stockholm, Sweden along with the BoD meeting. Pakistan being an active member of the IOI participated in the World Conference as well as in the BoD meetings.

29. The Conference in its two plenary sessions titled "Current Global Trends Affecting the Work of Ombudsmen" and "Developing the Working Methods and Tools of the Ombudsman" deliberated upon the following subjects;

- i) The Ombudsman as Human Rights Defender
- ii) The Ombudsman Reaching Outside the Public Sector
- iii) Without a Residence Permit - the Protection of Asylum Seekers and Illegal Immigrants

- iv) Protecting the Particularly Vulnerable
- v) Omnipotent Ombudsman? – Reconciling Multiple Mandates
- vi) Enforcing the Law on the Law Enforcing Authorities – Supervising the Police

30. The Wafaqi Mohtasib of Pakistan, while chairing the workshop on “The Ombudsman Reaching Outside the Public Sector” concluded it on the following note:

“The questions and comments have shown that the debate on the Ombudsman extending himself to the private sector continues. It is clear that it continues to be a matter of general concern. Considerable initiative has been taken to bring private sector activity in the realm of administrative law. Thought seems to be crystallising now in favour of the position that the Ombudsman has an important role in the accountability of private sector service providers of public service.

We already have a fair number of hybrid Ombudsmen today – Ombudsmen created by statute – covering private industry and services. Some examples are the Financial Services Ombudsman’s Service, the Housing Ombudsman and the Legal Services Ombudsman (in England), the Banking Ombudsman and the Insurance Ombudsman (in Pakistan), the Commonwealth Ombudsman, the Telecommunications Industry Ombudsman, the Financial Ombudsman’s Service and the Private Health Insurance Ombudsman (in Australia), the Danish Consumer Ombudsman, the Malaysian Public Complaints Bureau, the Ireland Financial Services Ombudsman and the Insurance Ombudsmen in India and Sri Lanka.

All of them have jurisdiction over the private sector in varying ways and under varying conditions. The large majority of such hybrid Ombudsmen have been created for private sector service in the field of finance (banking, pensions, insurance), in the area of public utilities (energy, telecom, water) and in the health sector. All these areas have an intimate relation with the everyday lives of the citizens. So clearly, there is concern all around that such private sector services that most ultimately affect the daily lives of people should be subject to minimal standards and must be publicly accountable.

It is also evident that there is an array of options and models to achieve accountability of private sector entities and countries can look at them from available international arrangements and practices to reconfigure them to their own environment and purposes. Each will have to figure out what reconfiguration suits it best, keeping in view implications for jurisdictional spread, for maintaining flexibility for coverage of private entities, for funding patterns for structures that may or may not be participative and for determining enforcement measures of the Ombudsman’s decisions.

Various countries have resolved them in various ways through various arrangements. There is no one size that fits all. This is exactly what the Danish Ombudsman meant when he concluded in a recent address that such interventions for accountability have necessarily to be determined by states on a case to case basis.”

Meetings of the Board of Directors of IOI

31. The annual meeting of the Board of Directors of IOI was held on 8th June, 2009 in Stockholm, Sweden. In the meeting reports submitted by the President, the Secretary, the Administrator, the Editor, the Regional Vice Presidents and the Transition Committee were considered and, where required, necessary decisions were made.

Relocation of IOI Headquarter to Vienna-Austria

32. The headquarters of the IOI, since its establishment in 1978 was located in the Alberta University, Edmonton, Canada. In 2006 the University intimated that it will not be possible for them to host the IOI headquarters after 2009. Therefore, after evaluation of bids received from different member countries, the BoD in its meeting 2008 decided to accept the offer of the Austrian Ombudsman Board to host the IOI headquarters. Accordingly the IOI headquarters started functioning at Vienna, Austria, with effect from 1st September 2009. A special meeting of the BoD was held from 18-21 November, 2009 in Vienna at its new headquarters office.

Responsive Enabling Accountable Systems for Children's Rights (REACH)

Children's Complaint Office

33. As enshrined in Pakistan's Constitution, protection of the rights of children constitutes an important aspect of the responsibilities of the State: 'the state shall protect ... the child' (Article 35). It is incumbent on the state 'to make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex' (Article 37(e)). Children in Pakistan are at a high risk of having their rights violated. While there are many economic and social structural causes, a major factor resulting in violations of child rights is the lack of dedicated fora to receive and resolve complaints of children and the fact that there are no accountability mechanisms for institutions charged with the responsibility of protecting children's rights.

34. In view of the above there was an established need to establish an institutional arrangement, in compliance with Article 12 of the United Nations Convention of the Rights of the Child (UNCRC) developed in 1990, to which Pakistan is a signatory, for providing children with a voice in matters relating to them through an Ombudsman for children, who would work for the promotion and protection of the rights of the children in Pakistan and promote accountability in public institutions with regard to children's rights. To address this need the United Nations Children's Fund (UNICEF) and the Wafaqi Mohtasib (Ombudsman) Secretariat (WMS) of Pakistan joined hands and set up a Children's Complaint Office (CCO) in the Wafaqi Mohtasib (Ombudsman)'s Secretariat.

35. The CCO, established under the Responsive, Enabling and Accountable Systems for Children's Rights (REACH) project, serves as a dedicated mechanism for receiving and resolving complaints from and about children, against maladministration in any federal agency and will help Pakistan adhere to the fundamental rights and principles of policy of the Constitution by implementing the United Nations Convention of the Rights of the Child (UNCRC), with special reference to Article 12. This initiative bridges an existing gap in terms of a children-specific grievance redress mechanism in the administrative justice sector and also accords Pakistan the privilege of establishing the first children's Ombudsman office in South Asia.

Objectives of the Children's Complaint Office

- Establish a dedicated redress and response system for children's complaints against maladministration by any federal agency
- Provide a platform for addressing child rights issues through research, advocacy and engagement with children and other stakeholders on children's rights
- Enable the Wafaqi Mohtasib (Ombudsman) to advise the government on systemic issues that impact the rights of children and compliance with the UNCRC

Strategy of the Children's Complaint Office

- Build capacity within the office of the Wafaqi Mohtasib (Ombudsman) for dealing with children's complaints
- Improve coordination and policy dialogue between public sector agencies responsible for oversight on child rights, and other stakeholders
- Establish an organized, extensive network for advocacy and outreach on issues related to children's rights

Progress

36. The CCO was established in December 2008. Since then the CCO operations have been well integrated within the Wafaqi Mohtasib Secretariat's main functions and procedures. The WMS Complaint Management Information System (CMIS) has been amended to register and track children's complaints separately in order to provide speedy redress. To facilitate the continuous improvement of the complaint handling process a status report on complaints is developed every month. The report provides a comprehensive analysis of children's complaints received by the WMS and is used by the office to assess the performance of the complaints handling process. A total of 183 children's complaints were received from 1st January 2009 to 30th December 2009. Out of these complaints, 78 were lodged either through the WMS website or by post and 105 complaints were received via the Wafaqi Mohtasib's helpline.

37. The Children's Complaint Office model has been replicated by three provincial ombudsman offices: Punjab, Sindh and Balochistan.

38. The office has carried out many capacity building and research related initiatives since its inception.

Child Rights Workshop

39. In order to take a purposeful start, a national, multi-stakeholder consultative workshop was organized in December 2008 in Lahore to initiate a broad based dialogue and bridge coordination gaps. Detailed presentations were made by many speakers including the Wafaqi Mohtasib and Chief of Child Protection, UNICEF.

40. Following recommendations were made at the closure:

- Develop a strong referral mechanism between federal and provincial ombudsmen.
- Develop strong referral mechanisms between the ombudsmen and civil society organizations.
- Develop a provincial and district level ombudsman system for children, including links to existing youth assemblies.
- Develop a public steering committee on child rights

Communication Campaign

41. A short advertising campaign was launched to raise awareness about child rights and their redress systems. As a result the number of children's complaints received by the WMS increased. Keeping in view the results of the first campaign, a comprehensive communication strategy was developed to launch a sustainable and cost effective communication campaign. An experienced advertising company was selected through a competitive process to launch the

media campaign. The company has developed and launched various print and media advertisements.

In House Conference

42. An in-house conference to review and recommend policies to strengthen the Wafaqi Mohtasib's Secretariat system and integrate the CCO within the system was organized on 26th October 2009. The meeting was chaired by the Honourable Wafaqi Mohtasib. Participants reviewed the existing system, identified critical issues that needed attention and made substantial policy recommendations.

Promotion of the Child Ombudsman Concept in the Asian Ombudsman Association

43. There are very few foras or mechanisms to deal with child rights violations in Asia. In order to promote the concept of child ombudsmen in Asian countries, the Head CCO participated in the annual conference of the Asian Ombudsman Association (AOA) in Bangkok, Thailand in November 2009. He gave a detailed presentation on the project objectives, activities, achievements and future plans. He also shared the idea of developing an Asian Coalition for Child Ombudsman.

Monitoring the National Plan of Action

44. The 2nd National Plan of Action (NPA) for children was launched by the National Commission of Child Welfare and Development (NCCWD), Ministry of Social Welfare in 2007. The plan, defined as the commitment of the Pakistani Government towards its children, tackles issues concerning children's rights and protection. The NPA contains a situational analysis of children's rights in Pakistan and an action plan to improve the situation of child rights. The NCCWD is implementing the plan in coordination with different ministries.

45. One of the main objectives of the CCO is to improve co-ordination and policy dialogue between public sector agencies and other stakeholders and bridge the gap between policy-makers and researchers. As part of this objective, the CCO plans to review and evaluate the National Plan of Action. The Office carried out a preliminary study to review the progress of the NPA. The study revealed some major issues regarding the implementation of NPA that required a comprehensive discussion. Therefore a detailed meeting with the NCCWD was held to discuss the findings of the desk study. The meeting was useful in identifying the existing gaps and bottlenecks in the implementation of NPA. As a next step, it was decided to hold a review meeting, to be chaired by the Honourable Wafaqi Mohtasib, with the relevant ministries in order to facilitate the implementation of the NPA.

Training of Children's Complaint Office Staff

46. A training workshop "Mechanisms for Redressal of Children's Complaints" was organized from 15 to 17 December 2009 to educate the Federal and Provincial CCO staff about children's rights and train them on how to handle children's complaints. The objectives of this workshop were:

- To introduce the concept of the Child Ombudsman to participants
- To give the participants a brief overview of the history and international best practices of the Child Ombudsman
- To educate participants about child rights issues in Pakistan

- To develop guidelines for handling children’s complaints and invite recommendations on amending the Ombudsman’s regulations to make them child friendly

47. The workshop was attended by more than 40 persons from the offices of the Wafaqi Mohtasib’s Secretariat, the Punjab Mohtasib, the Sindh Mohtasib and the Balochistan Mohtasib.

National Conference ‘Improving Institutional Mechanisms for Children’s Complaint Redressal Systems’

48. The CCO not only aims to redress children’s grievances but to also improve coordination and policy dialogue between public sector agencies responsible for oversight on child rights issues and other stakeholders. To address this objective a national conference on children’s complaints redressal systems was organized. This conference, in addition to generating a discussion on building capacity in the federal agencies for addressing child rights issues effectively and transparently, also introduced the CCO to the civil society and public sector and identified the current child rights issues the civil society was working on. Child rights experts, including Souriya Anwar-President SOS Children’s Villages of Pakistan, Senator Roshan Khursheed Bharucha, Dr. Saba Gul Khattak-Member Planning Commission and Zia Awan-President Lawyers for Human Rights and Legal Aid gave presentations.

Dissemination of Information on Children’s Complaint Office through CCO website

49. A CCO website has been developed to increase awareness about the Children’s Complaints Office and is integrated within the Wafaqi Mohtasib Secretariat website. A quarterly newsletter is being jointly published with the WMS.

Review Meetings

50. To improve coordination between the Wafaqi Mohtasib regional offices, Provincial CCOs and the Wafaqi Mohtasib Secretariat, review meetings in Karachi and Lahore were organized. The Head of the Children’s Complaint Office met with officers from the Provincial CCOs and Regional WMS offices to discuss and share information and progress on CCO initiatives. The Head also met with representatives from civil society organizations and media to discuss best practices of child rights monitoring and raise awareness about the CCO. Similar meetings are planned for Quetta and Peshawar.

Future Plans

- To facilitate research on child rights the Children’s Complaint Office is outsourcing two research studies: “Baseline Study on the Status of Compliance of Federal Agencies Responsible for Child Protection with the UNCRC”; and “Study on International Best Practices of Child Rights Monitoring”.
- The CCO will facilitate the setting up of a Steering Committee on Child Rights. The Committee will monitor the compliance of federal agencies responsible for child protection and the implementation of the National Plan of Action.
- A follow up training workshop will be organized to facilitate capacity building of the Federal and Provincial CCOs
- A national conference on ‘Children’s Rights: Challenges and Response’ will be organized in order to learn from the experience of different child rights stakeholders and to assess the performance of the CCO

Strengthening Public Grievance Redress Mechanisms (SPGRM)

51. The Wafaqi Mohtasib's Secretariat (WMS) is implementing a project titled 'Strengthening Public Grievance Redress Mechanisms' (SPGRM) in collaboration with the United Nations Development Program (UNDP). The project follows a comprehensive strategy to carry out various reform initiatives aiming at improving public grievance redress mechanisms.

52. The project has the following objectives:-

- i) To improve redress and response systems and procedures on accountability, transparency and integrity (ATI) to enable closer alignment with the needs and expectations of citizens;
- ii) To increase public demand for ATI in service delivery; and
- iii) To facilitate availability of and access to information regarding grievance redress and service delivery mechanisms and standards.

Progress

53. Several important contributions have been made under SPGRM project during the year in various areas and its significant activities are briefly summarized below:-

Institutional Strengthening

- A comprehensive study on capacity assessment and mapping of five federal agencies (NADRA, PTCL, SLIC, SNGPL, and Pakistan Post) was commissioned with well defined TORs. The study looked at various aspects of the service delivery mechanisms of these five agencies including functioning of the organizations, public complaints made to WMS and complaint handling mechanisms within the organizations. This was done keeping in view the higher volume of complaints against these agencies. The study outlines a set of recommendations for each agency in order to improve service delivery to the citizens. This report also provides a basis for promoting a good working relationship between the WMS and the public agencies in improving their service delivery.
- Upgrading capacity of the Implementation Wing of the WMS was identified as a priority area during the year because the core function of the Implementation Wing is to ensure implementation of Ombudsman's findings. To this end, a consultant was engaged who in consultation with the staff of the Implementation Wing developed a comprehensive capacity development plan. The plan gives concrete recommendations for capacity development of the staff and adequately equipping it to enhance its effectiveness.
- The project engaged a professional Research and Studies Specialist to strengthen the Research and Studies Wing of the secretariat. He carried out a SWOT analysis of the Research Wing and prepared a Capacity Development Plan. This Plan will be implemented in the subsequent years invigorating and strengthening this important wing. The Consultant is now providing meaningful inputs for the Citizens' Report Card activity.
- Some important steps have been taken during the year to promote friendly customer services within the Secretariat. For this purpose, the Customer Relationships Management System has been set up. Two Customer Relationship Officers have

been hired and trained for better customer services. Provision of guidance on the services and jurisdiction of Wafaqi Mohtasib's office is being provided from this service. Further, a universal access number is being introduced for the citizens who will be able to make calls and get information on the services of the WMS and also register fresh complaints. A facility to get information on the ongoing status of complaints as well information on the WMS services after office hours has also been provided in the system. Similarly, in order to expand the facility of providing information on the ongoing status of applications, an SMS based tracking system is proposed to be introduced. The citizens will be able to track the status of their complaints through mobile phones by punching the complaint number and sending a message to the WMS.

Increasing Awareness and Outreach

- WMS data shows that while federal agencies are located through out the country, most of the complaints are generated from larger cities. This establishes that there is a lack of awareness amongst the people, particularly in remote areas on the role and services of the WMS. Under the SPGRM, an extensive media campaign was launched in the electronic and print media. The services of Wafaqi Mohtasib were advertised through PTV Home, PTV News, Radio Pakistan, The Daily Jang, The Daily Khabrain, and The Daily News.
- Civil Society can play a very important role in furthering the cause of administrative justice in Pakistan. The WMS is setting up a Civil Society Advisory Committee (CSAC) with 12 prominent civil society activists. This Committee will strengthen the link between the Wafaqi Mohtasib's office and civil society, eventually increasing outreach of the services of WMS in the country. The SPGRM's Project Management Unit will extend secretariat support to the Committee ensuring effective liaison between the WMS and the members of the CSAC.
- The project also envisages raising awareness and outreach through the publishing of a quarterly Ombudsman's newsletter. This letter contains information on the role and jurisdiction of the Wafaqi Mohtasib's Secretariat along with providing information on accessing the office through telephone, fax, e-mail etc. During the year, 80,000 copies of the newsletters were distributed throughout the country.

Improving Coordination on ATI through the Policy Dialogue Forum

In 2007, the office of the Wafaqi Mohtasib took the initiative of organizing the Ombudsman's National Consultative Conference. This initiative was participated in by the stakeholders including provincial ombudsmen; federal and provincial government representatives; and members of the civil society. A recommendation emerging from the Conference was that such an event should be made a regular feature. As a follow up to this recommendation, the office of the Wafaqi Mohtasib held a Policy Dialogue Forum (PDF) in August 2009. A large number of stakeholders including policy makers, members from oversight institutions, service delivery bodies, lawyers, the donor community, civil society organizations, academia, and media participated in this activity. This Forum is expected to serve as a regular platform for interaction between government and non-government stakeholders on various Accountability, Transparency and Integrity (ATI) issues.

Execution of Citizens' Report Card

The Citizens' Report Card (CRC) is a tool that provides public agencies with systematic feedback from users of public services. The CRC collects feedback on the quality and adequacy of public services with the objective of improving public service delivery. As part of its plans for improving its feedback systems and for introducing more citizen-friendly policies, practices and procedures, the Ombudsman's office under the SPGRM project has initiated a CRC survey. M/S Bearing Point, a Karachi based firm, has been engaged for the survey. The survey has been conducted in almost 10 major cities in the country and preliminary results are being analyzed. The survey focuses on all aspects of the services of the Wafaqi Mohtasib's Secretariat, right from complaint lodging to implementation of recommendations.

Continuous Improvement Benchmarking

- Continuous Improvement Benchmarking (CIB) is a combination of powerful techniques to achieve organizational change, through systems improvement and benchmarking. CIB helps to improve service delivery in terms of access, timeliness, quality, cost, community satisfaction and affordability. Benchmarking compares services with others and obtains information on best practices in service delivery, to raise service standards.
- By establishing benchmarks for service standards and by consistently monitoring their compliance and implementation, the Ombudsman's office is endeavouring to improve institutional performance. This exercise has been conducted by an independent consultant who has finalized a report which is under study.
- As a first measure, the WMS has instituted standards for performance of the investigating officers and the Registrar's office; the introduction of the CIB will build on these efforts as well as enable the setting and enforcement of standards and benchmarks across all operational and managerial tiers, with Key Performance Indicators for performance assessment, focusing on outputs and outcomes rather than the input and process based modes of assessment.

The Way Forward

- The SPGRM project would continue to support and facilitate the carrying forward of all measures identified for institutional strengthening with greater focus on implementation and awareness-raising work by engaging civil society organizations, and introducing CIB techniques in two operational wings i.e. the Investigation Wing and the Registration Wing.
- The project will also facilitate the implementation of recommendations of the consultant to improve service delivery in five federal agencies i.e. NADRA, PTCL, SLIC, SNGPL, and Pakistan Post. A monitoring framework will be developed for the Implementation Wing in order to keep track of implementation progress.
- The project also intends to sponsor a similar study of the electricity distribution companies because a major volume of complaints is generated from their operations. The study intends to identify and analyze systemic weaknesses due to which complaints are filed against the distribution companies.
- Finally, the project aims to facilitate access to public information and assist in strengthening the role of the Office of the Federal Ombudsman as the 'Information Commissioner' of Pakistan, as per the Freedom of Information Ordinance 2002.

Since the introduction of the Ordinance, the Wafaqi Mohtasib has only received around fifty complaints related to matters of access to information. Activities to facilitate access to information will include developing knowledge products through research on issues related to freedom of information; engagement with CSOs and the media for raising public awareness about the rights and responsibilities of right holders and duty bearers with regard to freedom of information; and establishment of knowledge networks specifically in the area of ATI and service delivery.

Workplan 2010

Chapter 7

Workplan 2010

The year 2009 has been a period of further consolidation of the initiatives taken in 2008. It is now the objective of the Wafaqi Mohtasib's office to build upon the reform base laid in the recent past and to undertake further steps to qualitatively improve its services for administrative justice to the general public.

Towards this end, it is planned to build further capacity in the organization, improve its operational systems and create enhanced awareness about the service offered by it.

Some of the more significant areas in which we plan to move in 2010 are given below:-

i. Strengthening Human Resources

- After formulating the service rules for the employees in 2009, an anomaly committee has been constituted to remove ambiguities in the rules during 2010 so that the rules provide a basis for a fair and just career progression structure and process for the employees of the Wafaqi Mohtasib's office.
- Work will be undertaken to create a permanent cadre of investigation officers which is absent at the present time. A permanent cadre will enable trained investigation officers to work over the long term with the organization and provide it institutional memory and enhanced expertise in its functions.
- A training activity schedule is proposed to be developed to provide training to newly inducted investigation officers to enable them to begin their work with a good knowledge of the law and rules governing the functioning of the Wafaqi Mohtasib's office as well as the federal agencies within his jurisdiction.
- Under the RETA program, visits of the investigation officers to other countries of the region to study their ombudsman systems have been planned for 2010. Exposure of regional best practices will provide useful knowledge to the Wafaqi Mohtasib's office personnel in the execution of their functions.
- Two training programmes, under the UNDP assisted project titled Strengthening Public Grievance Redress Mechanism (SPGRM), one relating to the Implementation Wing and the other for continuous improvement benchmarking (CIB) are planned to be organized in the first half of 2010.
- With the anticipated continuing increase in the complaint volume of the organization, it is proposed to engage a suitable number of additional investigation officers to avoid overburdening the present staff strength and obviate consequent delays in case disposal.

ii. Enhancing Awareness and Outreach

It is the assessment of the Wafaqi Mohtasib's office that the potential number of complainants is far higher than the complainants approaching the office every year. The major reason for this is that there continues to be an unsatisfactory level of awareness of the existence of the Wafaqi Mohtasib's office. A major impediment in enhancing the awareness level is the restricted budget availability for publicity. Nevertheless the institution of complaints has gone up by 37% in 2009 as compared to the year 2008. This has mainly been because of higher efficiency in complaint disposal which has seen the disposal time reduced to 90 days in half the number of cases disposed of during the year. With this trend, it is expected that the complaint volume will further rise in the year 2010.

In the absence of adequate funding the strategy is to raise awareness by linking up with civil society organizations and using their services to bring about such awareness amongst people especially in the remoter areas of the country. Towards this end further steps will be undertaken during the course of the next year.

- A Civil Society Advisory Committee (CSAC) comprising 13 members has already been constituted and meetings of the committee will be held to engage with civil society through the CSAC's membership. Apart from counsel and advice to the Wafaqi Mohtasib, the CSAC's members will also be expected to spread the message of the Wafaqi Mohtasib's services available for administrative justice.
- Under the UNDP's SPGRM project, the Wafaqi Mohtasib's office has, through a transparently competitive process, engaged a civil society organization for the remote districts of each province where this organization will act as a communication channel to make people aware that their grievances can be brought to the notice of the Wafaqi Mohtasib.
- The Policy Dialogue Forum (PDF) held a conference of all stakeholders and other oversight agencies in August 2009. It is proposed to continue the dialogue with stakeholders which will contribute to disseminating information about the services of the Wafaqi Mohtasib.

iii. Strengthening Systems

Inventory control, library stock, accounts, personnel data, synopsis of all decided cases will be shifted to e-management, by mid 2010.

iv. Making Services More Complainant Friendly

A number of steps have been taken in the year 2009 to make the office a more citizen friendly institution for the general public. A customer relations front desk has been established for the convenience of the complainants. A quarterly newsletter is being issued both in the English and Urdu languages giving guidelines and directions on the manner in which complaints can be filed and followed up in the Wafaqi Mohtasib's office. The website of the Wafaqi Mohtasib has been made bilingual by making its contents available in the Urdu language.

Further steps to make the office more complainant friendly will be pursued in 2010.

- A universal access number (UAN) has been introduced and tested. The UAN will enable citizens to conveniently access the relevant desk in the Wafaqi Mohtasib's Office to file complaints as well as to seek the status of complaints already filed. The launching of this number is expected to take place in the second quarter of 2010.

- A facility to check the status of complaints will also be available after office hours by using the SMS service on telephones. The software for this service has also been developed and the service is planned to be launched before mid 2010.
- Correspondence with complainants is presently carried out in the English language. To enable interaction with the complainants to be more friendly and comprehensible to them, the standard format for acknowledging complaints as well as for pointing out deficiencies in them are being translated in the Urdu language and it is proposed to correspond with complainants accordingly in 2010.

v. Focus on Children's Complaints

With a view to addressing the complaints of over 50% of the population which is under the age of 18 years, a Children's Complaint Office was established with UNICEF assistance and began its activities in full swing in 2009. For the year 2010, the Children's Complaints Office will continue with its programmed activities in the areas of creating increased awareness about the children's rights, disseminating information on the services that are provided by the Wafaqi Mohtasib's office, and engaging with civil society organizations to work with them on matters of children's rights violation. Some of the main activities for the next year are as follows:

- Goals and strategies of the National Plan of Action of the Government of Pakistan will be reduced to specific measurable steps to enable the monitoring of progress towards them by the government agencies concerned.
- A steering committee, with membership from the concerned government agencies as well as civil society, will be set up to follow the progress on the commitments made in the National Plan of Action.
- Publicity will continue through the print and electronic media to make people aware that complaints against public agencies responsible for protecting and promoting children's rights can be brought to the Children's Complaints Office of the Wafaqi Mohtasib.
- A separate website for the Children's Complaint Office is proposed to be launched in 2010 for the convenience of the public.
- A study on the cross country best practices of Children's Ombudsman systems will be undertaken through outsourcing with the objective of learning from the experiences of other countries in this area.

vi. Upgradation of the AOA Resource Center

The Regional Technical Assistance (RETA) project sponsored by ADB generated a lot of activity across the Asian Ombudsman Association (AOA) members through trainings, study tours and secondments. Activities for 2010 include retreats, a wrap up conference in Manila and establishment of a Resource Centre at the headquarters of the AOA in Islamabad.

Appendices

Appendix I

Acknowledgements from the Public

The primary function of the Ombudsman is to resolve the grievances of the general public made against the public sector agencies. The objective is to give relief, where called for, to the complainant through the active involvement of the all stakeholders i.e. the complainant, the agency and the office of the Wafaqi Mohtasib. With the considerable reforms undertaken by the office, the volume of case disposal has gone up while the disposal time has been radically reduced. An effective follow up of the cases with the Agencies to ensure implementation of its recommendations has helped to reduce the trust deficit between the office of Wafaqi Mohtasib and the complainants.

2. In some of cases where the Wafaqi Mohtasib has provided relief to the complainants, they have sent acknowledgements to the Wafaqi Mohtasib expressing their gratitude for the role played and efforts made by this office in providing relief to them.

3. During the year 2009, a total number of 163 letters of thanks were received from the general public. The number of such letters received at H.O. is 95, whereas the Regional Offices have received 68 such letters. A random selection of such letters is reproduced in the subsequent pages.

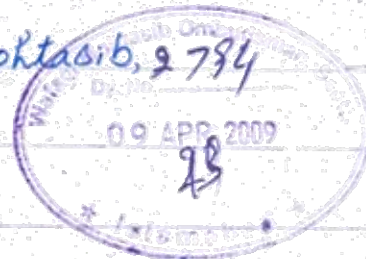
Case No. HQR/11659/2008

Kind
✓
✓

Respected Sir, Fakhat Hussain,

Advisor Waqafi Mokhtasib, 2784

Islamabad.



Dear Sir,

Assalam-o-Alaikum! I have received my revised result card of B.Ed. from A.I.O.U. Islamabad. Therefore, I am very much thankful to you for this great kindness.

Kindly you say controller of examinations A.I.O.U. send me my provisional result card also. I shall be very thankful to you for this kindness. May you live long!

Thanking you for your kind enquiries.

With best wishes,

Yours Obediently,

Khurshid Haider

Roll No: U698245

A.I.O.U. Islamabad.

0302-7344996

To,

The Honourable \Wafqi Mohtasib,
Islamabad.



Asad. 30/9

Subject: Thanks to the office of Honourable Wafqi Mohtasib action.

Dear Sir,

I am very pleased to inform you that revised result card of course code 675 from the AIOU has been received. It is all due to the efforts of your office made in this regard.

I am very thankful to you for the action taken by you about my result and made justice rapidly.

Thanking you.

Nisar Ahmad
16/09

Nisar Ahmad
S/O Meharban Ali
Mohallah Imamkot
Village Farooka
District Sargodha
Phone#0301-6738641

Case No. HQR/0004161/09

Muhammad Javed Khalid,
Director, The Ombudsman Secretariat
Regional Office, Multan.

Subject: Problem in Line Phone: Case No.HQR/0000667/09

Reference: Your Letter No. 1404, Dated: 16/05/2009, complaint No.11/667/09

Dear Sir,

I have submitted my complaint in writing and I have nothing to say more verbally.

I have already appeared in the office near stadium on 14/04/2009, and discussed the matter before your good self.

Due to unavoidable circumstances I am unable to appear on 25/05/2009, I hope my regret will be accepted.

The matter, complained, has been resolved recently, with keen personal interest and perusal by Director PTCL, Multan Region.

I am thankful to the authorities involved to resolve the issue.

Fine regards,



Dr. Din Muhammad Zahid

Associate Professor of Agriculture [Forestry]

C-11, Agri. Staff Colony, BZU.

061-4745258, Mobile 03006385229

The Hon'able Wafaqi Mohtasib,
4-B, Pak Secretariat, Saddar,
Karachi.

Respected Sir,

Ref. your Notice for hearing, numbering:
No. K/420/07-1A-1888 (SMIA-38), dated 5th March '09,
I have to submit that consequent upon the
judgment of this Hon'able Wafaqi Mohtasib in
my complaint against the high-handedness of the
K.E.S.C., dated 11-12-2007, no adverse action
has been taken by the KESC.

I am very much satisfied with
the judgment of this Hon'able ~~the~~ Wafaqi
Mohtasib. Kindly accept my sincere
thanks for addressing my grievance and
solving my problem.

Thanking you.

With Best Regards.

Very Sincerely Yours
M. Farooq Ameen.

(M. FAROOQ AMEEN)
Advocate, High Court.
Karachi, dated 21-3-2009.

21/3/09
Mrs. Azeem

To,

Mr. Ishfaq Ahmad,
Director,
Wafaqi Mohtasib (ombudsman)'s secretariat.
Zero point, Islamabad

Subject: COMPENSATION FOR DAMAGED HOUSE DURING THE EARTHQUAKE October 2005.


Respected Sir,

With reference to my case submitted in your honorable court, for grant of compensation of my damaged house during the earthquake at my native village Jungalan at district Mansehra.

It is to inform you that ERRA has recommended Rs. 50,000/- vide MOU No. 733521 dated 2/4/2008 (copy enclosed).

In this regard, I am satisfied for grant of compensation and very much thankful to you for your kind cooperation and decision in the subject matter and for implementation by the ERRA for the purpose please.

Thanking you!



12/5/2007

Sajjad Ahmed
Village & P/O Jungalan,
Tehsil & Distt Mansehra.
NWFP Pakistan.

To,
 Shekh Bashir Ahmed,
 Director General (INV),
 Wafaqi Mohtasib (Ombudsman's) Sectt,
 Islamabad.

D.G. (Inv) Section
 Dy. No. 32/AL
 Dated: 31/11/09

Subject: Delay In Handing Over of Flats To Allottees.

Thank you for your kind letter dated 17 October 2009 enclosing therewith copy of findings of the closure of the case No. H/7082/09, on the subject noted above.

On 29th October, 2009 my daughter Uzma Kourim got the possession of the flat allotted to her in I-11 PHA Project in May, 2003. This was a very difficult task and without the intervention of the Wafaqi Mohtasib Sectt it was not possible.

The procedure adopted by the D.G. (Inv) in evolving this hard task rapidly is really commendable. Asking comments/Views on the complaint from the Agency, holding meeting with the concerned officer of the Agency and the complainant without wasting time and arriving at a conclusion immediately is a great quality of an intelligent, honest, sincere, devoted and hardworking officer like D.G. (Inv).

I appreciate the good work of the Wafaqi Mohtasib Sectt. being done for the oppressed people of the society and Pray to Allah from the core of my heart for the health, happiness and prosperity of D.G. (Inv).

I thank you once again.

Sir Muhammad
 31/11/09
 H.No 222 ST-NO 32 G-5/2
 Islamabad - P.O. No 22 88004.

u/a
 9/11
 2/11/09

Letter of thanks

The Wafaqi Mohtasib,
Islamabad.By No. 5867 / A / Mohtasib / 2009
Dated: 29.7.09

Case # HQR/0003191/08

Reverence Sir,

Assalam-o-Alaikum



I received your kind letter a few minutes ago. I was over joyed and had no bound to please to see that the correct Result Card too was attached with it. It's mean that the university has admitted his fault and mistake. Since all was done due to your favour and kind/wise decision. Therefore, I am very thankful to you for your kindness. May God enable you to make such more and more decisions boldly and courageously. I once again pay my heartiest gratitude to you and your team.

Thanks a lot of

 Muhammad Yasir Saleem
 House # 5 Main Road
 Sabir Chowk
 Khanewal



تنظیم الفلاح

گلی نمبرز 57, 58, 59, 60 سٹریٹ نمبرز 24, 9 سیکٹر G-7/2 اسلام آباد

0300-9129157	نائب صدر: خواجہ اجمل حسین	0333-5349149	سرپرست اعلیٰ: چوہدری محمد رفیق
0333-5128730	جنرل سیکرٹری: ایس۔ ایم شیرازی (ایڈووکیٹ)	0321-5380938	صدر: صابر حسین چوہان
0333-5205227	سیکرٹری فنانس: محمد طارق اعوان	0301-5557010	چیف کوآرڈینیٹر: شیخ امتیاز الدین
0300-5388801	جوائنٹ سیکرٹری: چوہدری محمد فاروق	0300-9503821	سینئر نائب صدر: سید محبوب علی شاہ

Ref. No. _____

Date 7-Dec-2009

جناب فاضل وفاقی محتسب صاحب
وفاقی محتسب اعلیٰ سیکریٹریٹ،
اسلام آباد۔

عنوان:-
اظہار تشکر

جناب عالی! تنظیم الفلاح C-66 سیکٹر G-7/2، اسلام آباد ایک فلاحی تنظیم ہے جو گلی نمبرز 57, 58, 59, 60 سٹریٹ نمبرز 9, 24 پر واقع 66 عدد "C" ٹائپ سرکاری کوارٹرز کے مکینوں پر محیط ہے۔ 10 نومبر 2009 کے فاضل وفاقی محتسب کے احکامات کی تعمیل میں کچی آبادی اور 66 عدد "C" ٹائپ سرکاری کوارٹرز کے درمیان سی ڈی اے کے طے شدہ نقشہ کے مطابق تعمیر شدہ دیوار میں سٹریٹ نمبر 24 کی طرف چھوڑے گئے غیر قانونی راستے 19 نومبر 2009 کو نہایت خوش اسلوبی سے بند کئے جانے اور ایک دیرینہ مسئلہ حل ہونے پر اہل محلہ سکھ اور اطمینان کا اظہار کرتے ہیں۔ تنظیم الفلاح C-66 سیکٹر G-7/2، اسلام آباد فاضل وفاقی محتسب و چیئر مین وفاقی ترقیاتی ادارہ (CDA) کا تہ دل سے شکر گزار ہے اور امید ہے کہ مستقبل میں بھی حق اور انصاف حاصل ہوتا رہے گا۔

صابر حسین چوہان
صدر
تنظیم الفلاح C-66 سیکٹر G-7/2، اسلام آباد

Case No. HQR/2011/2007

موضوع: 13 مئی 2009ء

محضور جناب اشفاق احمد صاحب!
ڈائریکٹر، وفاقی محتسب سکرٹریٹ
نئیروپوا سٹریٹ، اسلام آباد۔

جناب عالی!

حوالہ کیس نمبر HQR/2011/2007 کے سلسلے میں فروری 2007ء کا
تبدیل سے منکروہ معنون ہے کہ جس کی انتہائی قلمدانہ اور حیدرآباد
کوششوں سے بالآخر مورخہ 09-04-08ء کو ERRR نے مکان کے معاوضے کا
مناہمتی پاداشت (M.O.U) فارم فروری کے حوالے کر دیا ہے۔ جس میں ERRR
نے مکان کو مکمل تباہ شدہ قرار دیکر فروری کو مبلغ ایک لاکھ پچاس ہزار روپے
(150000/=) روپے معاوضے کی ادائیگی کی یقین دہانی کرائی ہے۔

فروری ادارہ وفاقی محتسب کی کارکردگی سے انتہائی مطمئن ہونے کے
ساتھ ساتھ انتہائی متاثر بھی ہے کہ یہ پاکستان کا واحد ادارہ ہے جہاں انصاف
سے محروم ہر شخص کو فروری اور سنا انصاف میٹا کیا جاتا ہے۔ فروری درج بالا
کا دستوں کے لئے ادارہ وفاقی محتسب کا ناصیات منکروہ معنون رہیگا۔

العارضی!

ذریعہ: خان ولد شاہد خان

موجودہ پتہ: پتہ راجہ راجہ، مکان نمبر 898
ماڈل ٹاؤن چیمک، اسلام آباد۔

فون نمبر: 0345-2081526

موضوع: 13 مئی 2009ء

بخدمت جناب وفاقی محتسب اعلیٰ صاحب
کوئٹہ

موضوع! نادرا (شناختی کارڈ کی وصولی)

جناب عالی!
نومبہ گزارش ادب کے ساتھ گزارش ہے

آپ جناب کے کیس برآء 01-800/09/160/0007/HQR
میرے کو وصول ہوا۔ اور نادرا کی طرف سے بھی نادرا
کمپیوٹرائزڈ شناختی کارڈ وصول ہو چکا ہے۔

لہذا میں آجناب کی گزارش ہے۔ کہ آپ
جناب نے میرے قریب کا اتنا بڑا کام کیا ہے۔
تادم فرگ آجناب کے عین توازن ہوئی۔

فقط زیادہ آداب

ڈنلو خان ولد اسماعیل

ریٹائرڈ ہوکیر محلہ

ڈاکخانہ لہمارہ تحصیل لہمارہ

بدرہ
۱۸۶۱۱۱۵۵۹

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT.

Respected Sir,

Reference to the Complaint NO# 7/2462.
Sir with the help of your cooperation

and Support I have won the case against the wapda.

I unable to explain the words, that how I give you people the thank.

because just to say thank you is too much little bit in my sense.

we have a lot of expectation from you people in future to help the poor and the needy.

Thanks

Wazir Khan
0345-9066878.



wazirwazir@gmail.com

Letter of Appreciation

In this hour of darkness today, it is indeed a beacon of light that the office of ombudsman exists in Pakistan. Due to the initial lengthy procedures of the civil courts, and the amount of time required for disposal of appeals therein, it is not possible for a widow like me to get justice dispensed in minimal possible time. As you very well know that I had been evicted from my residence by the Islamabad Estate Office, in clear violation of the previous orders of the Ombudsman, (Case Referral No: Reg H/5389/01) I was rendered home less and my requests to the quarters concerned were falling on deaf ears. I was treated very harshly first at the Islamabad Estate Office and then at Ministry of housing and works. I was helpless looking and praying for justice so once again I had to revert to the kind office of Ombudsman for dispensation of justice, and, here at the gracious office of the Ombudsman I was not only treated cordially but I felt as if some one finally is here who is listening to my problems and is willing to help me in every step of the way. Here I would like to recognize the **honorable ombudsman him self Mr. Javed Sadiq Malik, Secretary Mr. Junaid Iqbal Ch., Adviser Mr. Ali Akbar Bhurgri, Consultant Mr. Saqib Khan, and all the other staff of the Ombudsman**, who all worked relentlessly for my case and I sincerely feel that it was not just a case number to them. I existed and my problem existed for them. I was always welcome at the ombudsman office what ever the time maybe. As I was going through emotional trauma they all bore with my emotional out bursts. Sir I appreciate all this from the bottom of my heart, and I am indebted. Due to the sincere and genuine efforts of the all the people mentioned above and the staff of the Ombudsman Office, Alhamdo Lillah, justice was served and the Estate Office restored my allotment on 29th October 2009. Even then, I was not being given the physical possession, by the Islamabad Estate Office and this was again made possible by the personal intervention of the office of the ombudsman. Now by the grace of Almighty and by the efforts of the office of ombudsman I finally have the physical possession of the house.

I am sure that if the office of ombudsman did not exist in Pakistan, it would not be possible for people like me, to be provided speedy justice. I salute the ombudsman and his team, who are always in the prayers of the silent majority of this country. May Almighty Allah be with you, and provide you with strength and courage so that you carry on the tradition of justice.

Sincerely yours,

Mrs. Jehan Ara Begum


House No: 482/C

Street No: 101

G-6-1/4

Aabpara

Islamabad

Mr. Mansoor Ahmad
Adviser
Federal Ombudsman
Islamabad.

09 December, 2009

4/ 11676/09

Subject: Case No. HQR/0011676/09 REGARDING RECOVERY OF NARCOTICS.

Dear Sir,

Please refer the above mention complaint. The respondent ministry forwarded the asked information to me vide letter No. F.N.5/1/09-C&C dated 05 December, 2009. I am satisfied with the information provided by the respondent. There is no need to proceed the case further.

Here I want to appreciate the role of your good office. It was not possible without the intervention and pursuance of your office. I honestly feel the Ombudsman institution is really a great asset and gift as well for the people of Pakistan.

Once again I would like to thank and appreciate of your efforts.

Warm regards



Malik Saleem Iqbal
Advocate High Court
Prog. Manager
CPDI, Islamabad.

Member/Adm Secretary, Office
By No. 1-962-1111/2009
Dated: 15-12-09



iDolphin Online

OMBUDSMAN'S OFFICE
Dr. No. 2008/WMS
Sign: [Signature]

To,
Mr. Javed Sadiq Malik
Wafaqi Mohtasib (Ombudsman)
Islamabad

Dated April 6, 2009

Ref: CASE NO. KRI/790/2008(IA-2189)

Sub: **To inform that the order of your honorable Wafaqi Mohtasib has been implemented.**

Sir,
With reference to above mentioned case and the decision made on 24/11/2008, this is also to inform you that the subjected authority has honored the orders made by this honorable court on March 25, 2009 just one day before the intimated date the March 26, 2009.

Sir, it is hereby submitted that this decision is made in the situation when all the hopes were wane out.

Sir, we are very much thank full to you for providing justice in very short time when we were not able to offer heavy fees to lawyer. This really deserves calling "justice".

Sir, in this regard we would also like to mention the hospitality and excellent manners of the ^{Advices} Consultant & staffs of the Wafaqi Mohtasib(Karachi-Region).

WE are praying by heart on effective implementation on decision made by this honorable court.

We and our family members will always remain thank full and praying for all the staff doing their loyal efforts for JUSTICE.

MAY GOD KEEP THIS HONORABLE COURT LIVE FOR EVER AND SHOWER MERCY ON ALL OF YOU.

Sincerely praying for all of you.

Lateef Raza

Rao M. Khlid Waleed Rehmani

Cc: 1) Mr. Iftikhar Ahmad Khan
Wafaqi Mohtasib (Ombudsman)
Karachi.

2) Mr. Syed Muhammad Iqbal Alam
Consultant (IMP)
Wafaqi Mohtasib (Ombudsman)
Karachi.

436-C, Central Commercial Area Block-2 PECHS Karachi 75400
Contact: + 92-21-453-4183, Fax: +92-21-453-2649

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۷۸۴

14-3-2009

محترم جناب سید محمد اقبال عالم صاحب

consultant (IMP)

وفاتی محاسب سکرٹریٹ رنجیل آفس کراچی

جنابو!

واہ! ۲۵-۲۵ AA5/08AA5/653/K کلیم ۱۸ ٹنک بڑے ۴ ٹنک ہاف ٹنک ۲ ٹنک پاکستان

ریلوے کراچی

آپ کے لیٹر نمبر 2148/RF24/K07 کے معرفت پاکستان ریلوے کا پے آرڈر کلیم Rs9500

ملا ۶ مارچ ۲۰۰۹ کو میں نے سٹوڈنٹس میں پے آرڈر - No436286 24 فروری 2009

ذریعے = Rs 9500/ کیس وصول کر لیے ہیں وعاتی محاسب پاکستان اور جناب سید محمد

اقبال صاحب کا ہندول سے مشورہ کیوں کہ آپ کی خصوصی توجہ سے میرا دیکھ بھل گیا

کامیابی سے حل ہو گیا اللہ تعالیٰ اپنے پیارے محبوب صلی اللہ علیہ وسلم کے عہدے

میں آپ کے درجات بلند کرے اور میں آپ کے اسٹاف کے لقاون کا بھی

بہت شکریہ ادا کرتا ہوں آپ لوگوں لقاون سے عہدے کو کلیم ہی رقم مل گئی آپ

لوگوں کے درجات بلند ہوں میں ہمیشہ آپ کے اور آپ اسٹاف کے لیے دعا کرتا

ریلوں کا
شکریہ

دراخوست مزار

محمد نعیم احمد

کوآرڈینیٹر نمبر 366 بی

کوآرڈینیٹر نمبر 5 1/2 کوآرڈینیٹر کراچی

18/3/09

Mr. Aslam

خدمت جناب وفاقی محتسب اسلام آباد

AR
11/08/2019



جناب عالی
F/134/09

گزارش ہے کہ میرے شوہر پروفیسر سہیل ناصر کا انتقال صوم ۱۰ اگست ۲۰۱۹ء کو حوالہ الہیوں نے جیون ساقی لائف انشورنس کروائی تھی۔ انتقال کے بعد میں نے لائف انشورنس کے فیصلے آباد آفس میں رابطہ کیا لیکن استوائی نہ ہوئی۔ ہریان کوشش کی لیکن سوائے ماہوسی کے کچھ نہ ملتا۔ پھر تجھے مشورہ دیا گیا کہ میں وفاقی محتسب کے آفس میں رابطہ کروں وہاں پر اہلک کی توجی ہے۔ لہذا میں فیصل آباد آفس میں رابطہ کیا۔ فیصل آباد کے آفس کے عملے میرے ساتھ بہت تعاون کیا۔ اس دھوکے میں جب ایک ڈیڑھ سال سے میں در بدر کی محسوس کر رہی تھی کہ ماہوسی کو انشورنس ساتھ دیا۔ میرا کوئی فرقہ نہیں حوالہ۔ اور تقریباً 3 ماہ میں لائف اہلک مل گیا۔ اہلک کا یہ جلدہ اصل میں میرے پیٹیم بچوں کو سہارا مل گیا۔ انشورنس کی رقم سے اب میں اپنے بچوں کی تعلیم جاری رکھ سکوں گی۔ میرے دل سے ضرورت اس ادارے کے لئے دعائیں نکلتی ہیں۔ جنہوں نے میرے کیس میں پوری ایمانداری کے ساتھ کام کیا۔ میں خاص طور پر ڈاکٹر بشیر ملک صاحب کے لئے تو بہت زیادہ دعائیں نکلتی ہیں جنہوں نے میرے کیس کو اپنی چوٹی پہنچنے کی طرح دیکھا۔ ان کا رویہ نامردانہ نہ تھا بلکہ سب کے ساتھ منصفانہ اور بہتر رویا ہے۔ جناب وفاقی محتسب صاحب آپ کا عملہ بہت ایماندار اور فرض شناس ہے۔ آپ کے ساتھ پاکستان کی شان ہے۔ اور ڈاکٹر بشیر ملک صاحب آپ کے حکم کے لیے عزت کا نشان ہے۔ میرا دعا ہے یہ ادارہ قائم رہے اور ایسے ہی اہلک کی توجی کے (آمین)

Neelam Shaheen

انور ذکی
Bambra Malik
11/08/2019

العاہد
پیوہ سلیم شاہین
65-X-101 منیہ ٹاؤن
فیصل آباد



۲۰۲۳
۲۷/۱۰/۲۰۰۹



AR

محکمہ صحت و وفاقی محتسب اسلامی جمہوریہ پاکستان

زیرو پوائنٹ اسلام آباد

نامہ اظہار تشکر - بحوالہ شعیب سٹیمپر / 09/0008433/HQR

السلام علیکم ورحمۃ اللہ - میں اور میری فیملی آپ اور آپ کے
بااخلاق سٹاف کا تپیدل سے از حد مشکور ہیں۔ اس دادرسی اور ہدایت
جو آپ کی بردولت عطا ہوئی۔

آپ کے عدل و انصاف پر مبنی حکم سے گزشتہ روز میں نے
300 کے برابر پاکستانی روپوں کا چیک نادرا (NADRA) ہیڈ کوارٹر
اسلام آباد سے ذاتی طور پر وصول کر لیا ہے۔

اس مہربانی اور تعاون پر آپ اور آپ کا مایہ ناز ادارہ بہت
زیادہ تحسین و تعریف کے مستحق ہیں۔ آپ کا بہت بہت شکر ہے اللہ تعالیٰ
آپ کو اپنے نیک مشن میں مزید سر بلندی و ترقی عطا فرمائے۔ آمین!
میری دعا ہے کہ اللہ کریم آپ کو سلاست رکھے اور آپ کے دامن
کو فوشیوں سے بھر دے۔ تم آمین! والسلام

منجانب عرضی گزار و تالہ دار

عبدالقیوم قریشی

(حال تقیم) خاص مورگاہ گاؤں

ڈاکا نڈا ٹیک آئیل کمپنی

تھمیل و ضلع راولپنڈی

Tel (R) 051-5450578

A.Q. Qureshi
Newton Plain-8

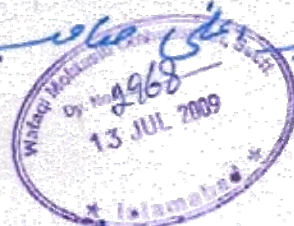
2562 JS The Hague

The Netherlands

مورفہ - 22-10-09

5-3288
13/7

خدمت جناب و فاقی محتسب
جناب عالی



AR HA

نماییت ادب سے التماس ہے کہ پاپ کا خط بھی مجھے موصول ہوگا
 جس کا نمبر 09/06325/HAR CASE NO تاریخ 01.07.2009 ہے
 جناب عالی . جس دن پاپ کا خط ملا یعنی 03.7.2009 کو
 اس کے نتیجے پانچ دن بعد یعنی 09.07.2009 کو سوٹی میں
دفعہ 101 سے پہلے اور سوٹی میں کائنات لگا کر ہے
جناب عالی سے غریب لوگ پاپ کا ایسے اور اس الفاظ
کے ساتھ شکر یہ ادا کروں جناب عالی . ہمیں یہ یقین
یوٹیا ہے کہ پاپ جسے لوگ ابھی یہ جو فریبوں اور بے
سیارہ کی درد رسی کرتے اور انفاق دلاتے ہیں
 جناب عالی : پیارے فریبوں کی ہمیشہ ہمیشہ کے لیے دعا
 ایسے ہی اللہ تعالیٰ بہتے کو اس کا اجر عطا فرمائے اور ہرگز
 بھی ایسے کاموں کی توفیق نصیب فرمائے ہمیں؟

العارض
 نسوی محمد الیاسی و لکھنؤ
 گاؤں ڈھنڈی رگورہ کڈا کئی اندر تحصیل لغرو
 ضلع رتھ

1768
24/4

110214/08

اسلام آباد

خدمت جناب دفاتر محتسب اعلیٰ محب

Dy No. 5267
Date: 25-4-09

موضوع: ریلیف و مولیٰ کی تصدیق

جناب عالی



آپ کا مورخہ 8 - اپریل 2009 کا اطلاع نامہ بلکہ میرے لیٹے جان افروز نامہ

ہے۔ موصول ہوا۔ جسے پڑھ کر مجھے بہانہ خوشی نصیب ہوئی۔ اتنی فرحت و مسرت کہ جو نارمل پاس ہونے سے کئی گنا زیادہ ہے۔

بلاشبہ یہ ساری شادمانی مجھے آپ کے لطف و کرم اور سہمدہی سے ہی ملی ہے۔ اور

آپ نے ہی مشکل وقت میں میری چارہ سازی فرمائی ہے۔

میں جس قدر دلشاد اور سرور میں اسی قدر آپ کی عمنون و مشکور ہوں۔

ایک دفعہ اور شکر کے ساتھ آپ کے لیے عظیم الشان مرتبہ و فضیلت کے لیے دعاگو ہوں۔

علامہ اقبال اپین یونیورسٹی کلا کی جانب سے مجھے پرمیٹ شدہ ریزلٹ مل گیا ہے

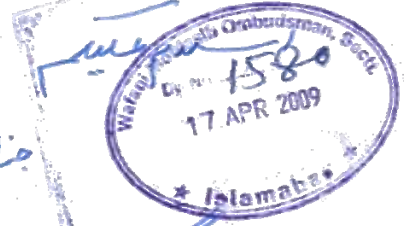
عزیز
ذوالحجہ بی دفتر محمد عظیم
ڈاکٹر خازنہ خاص کوثر الدین
تحصیل کلا میں ضلع مچھرات

18.04.09

مکتبہ جناب وفاقہ محتسب اعلیٰ اسلم آباد

23 مارچ
17/3

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1977
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By No. Advisor/WMS/200
Dated: 15-4-2009 جناب عالی



مورد بیان گزارش ہے۔ بندہ نے عدم اقبال پورتنوری اسلم کے خلاف
Revised Result جاری کرنے کیلئے درخواست گزارہی تھی جو یکم اگست
2008ء کو نمبر HQR 7375 کے تحت رجسٹرڈ ہوئی۔ جس کی
سماعت 23/10 کو ہوئی۔ کیس سماعت کے بعد مجھے ریٹیف
دے دیا گیا۔ جناب والا کی طرف بھیجا گیا رزلٹ کارڈ مجھے
موصول ہو چکا ہے۔ جس پر سٹیشن نمبر۔ میں جناب والا کی
کی طرف سے الغاف کی فریگی اور ریٹیف دینے پر تہہ دل
سے شکور ہوں۔ اللہ تعالیٰ آپ کا اقبال بلند رکھے
آمین

اسلم
آپ کا شکور
امرار احمد زبیر ولد محمد اقبال
559E شاہ رحیم عالم کالونی حیدرآباد

خدمت جناب وفاقی محتسب اعلیٰ پاکستان اسلام آباد
 1 ظہار نشکر مجرم لیسنز #/11827/2008
 Dy No. 3092 / Ad. No. W/15/200
 Dated: 28-2-09
 801
 25 FEB 2009

بنیاد ادب سے عرض گزار ہوں کہ میں آپ کی عدالت عالیہ میں
 اپنے B.Ed کے رزلٹ کے بارے میں جو اندر میں پیش کی تھی جس پر
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 مسئلہ کو حل فرمایا۔ اس پر میں آپ کا تہ دل سے شکر ادا کرتی ہوں۔
 اور دعا کرتی ہوں کہ اللہ آپ کو ہمیشہ صحت و کامیابی سے نوازا کرے اور
 کئی مزید دن رات خدمت کے فرائض سرانجام دے سکے۔ دعاؤں کے علاوہ
 آپ کا شکریہ ادا کرنے کے لیے آپ کے ساتھ ساتھ دعاؤں کے ساتھ ساتھ
 انشاء اللہ میں ہمیشہ آپ کے اس احسان عظیم کو یاد رکھوں گی۔
 B.Ed کا Rerubed رزلٹ مارچ 2009 میں پیشی میں آپ کے طرف سے
 وصول ہو چکا ہے۔

العارضہ
 Naveda Khanam
 کوئٹہ خانم دفعہ تعلیمی قلم
 23/02/09
 محلہ میران شاہ حسین ناروادل

WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT.

Respected Sir,

It gives me a lot of pleasure to inform you that I have written Case# (Complaint No# P/2463) & it would not be possible without your help.

Therefore I am very thankful to you for cooperation and support. We have a lot of expectation from you people in future to help the poor and the wafaqi affected people and also the needy etc.

Best Regards

Wazir Khan

0345-9066878

ubaidwazir@gmail.com



Appendix II

STREAMLINING POLICIES AND PROCEDURES OF THE ALLAMA IQBAL OPEN UNIVERSITY (AIOU).

**Report of the
Special Response Team (SRT)**

September 2009

**WAFaqI MOHTASIB
(OMBUDSMAN)'S SECRETARIAT
Islamabad**

FOREWORD

Subject: Report of the Special Response Team on the Allama Iqbal Open University.

Good Governance is the hallmark of any civilized society. Public sector organizations such as the Allama Iqbal Open University (AIOU) carry a heavy responsibility of discharging their functions in an efficient manner. In order to achieve that, it is imperative that the systems and procedures are streamlined and the performance evaluated on a regular basis.

1. In this context, a Special Response Team (SRT) was constituted by the Honourable Wafaqi Mohtasib, for looking into the policies and procedures of the AIOU. The team was tasked to cover major issues which have caused a rise in the number of complaints against AIOU. The team undertook indepth review of the policies and procedures of the University and have suggested ways and means to improve the performance of the Organization.
2. The SRT interacted with the senior officials of the University namely M/S Ali Asghar Hasnain, Director Regional Services, Sohail Nazir Rana, Additional Director (Admission) & Riaz Ali, Addl. Controller of Exams. They exhibited a very positive and constructive approach to the issues. I wish to place on record my deep appreciation of the contributions made by them.
3. My gratitude is also due to the members of SRT i.e. Mr. Ali Akbar Bhurgri, Advisor & Mr. Muhammad Ahsan Bashir, Consultant, who made valuable contribution in the formulation of the recommendations.
4. Mr. Javed Sadiq Malik, the Honourable Wafaqi Mohtasib was gracious as ever with his guidance, which was always available to the team.

(FARHAT HUSSAIN)
ADVISOR/CHAIRMAN SPECIAL RESPONSE TEAM

30th September 2009.

**STREAMLINING POLICIES AND PROCEDURES
OF THE ALLAMA IQBAL OPEN UNIVERSITY
(AIOU).**

INTRODUCTION

Allama Iqbal Open University was established under an Act of Parliament in 1974. It is a unique institution in many ways, particularly in terms of employing 'Distance Education' as its basic teaching methodology. It affords an opportunity to the working population to enhance their educational qualifications, without giving up their jobs or place of living. It provides them with opportunities to acquire knowledge, skills and techniques relevant to their jobs. Distance education is particularly suited to female students as it affords them an opportunity to study at home. Similarly people living in far flung areas also get an opportunity to be educated. The system is flexible in terms of age and time. The influx of information technology has made the system of distance education even more effective. As students get access to personal computers and the internet, the teaching under this system has become more effective. The University engages qualified teachers as part time tutors for the students who study their reading materials under the tutor's guidance and submit their assignments for evaluation.

2. The University has its main campus at Islamabad, with a large network of 36 regional centers all over the country. It provides multidisciplinary education from Matric to doctoral level programmes and admits around one million students every year in different programmes and various disciplines offered by it.

**WAFAQI MOHTASIB ANNUAL REPORTS –
2007 & 2008**

3. (i) In the Annual Report of 2007, the Wafaqi Mohtasib (WM) had stated that AIOU is one of the main agencies against whom comparatively large volume of complaints are received. The report had specifically highlighted the increasing trend in the number of complaints against AIOU. The report added that the WM will, in the year 2008, work with AIOU to bring about improvement in the services and systems of the University, in particular the admission procedures, and timely issuance of results and certificates.
- (ii) In the Annual Report of WM for 2008, it has been stated that a task force was set up to work with the AIOU and to look into the more common complaints against the agency and to propose measures to raise the level of the agency's performance. Accordingly a Special Response Team (SRT), comprising of Mr. Farhat Hussain, Advisor as Chairman, Mr. Ali Akbar Bhurgri, Advisor, and Mr. Muhammad Ahsan Bashir, Consultant as members, was constituted to study the nature and frequency of complaints against AIOU and to suggest measures for improvement of its system and procedures.

COMPLAINTS AGAINST AIOU

Table-I
Volume of Complaints against AIOU

Year	2004	2005	2006	2007	2008
No. of Complaints	342	353	317	683	894

Table - II
Causes of Complaints Against AIOU

	2004	2005	2006	2007	2008
Causes of Complaints					
Non Issuance of Diploma/ Certificate/ Result	230	229	237	484	742
Failure to give admission	65	34	38	65	52
Administrative irregularities	18	64	27	50	35
Others	29	26	15		
Total	342	353	317	683	894

4. Table-I indicates that the complaints lodged by the students with the WM's office against the University have gradually increased over the last 3 year. The number of complaints have gone up from 683 in 2007 to 894 in the year 2008, an increase of around 76 percent.
5. A glance at Table II clearly shows that the major issue is the delay in the issuance of degrees/diplomas/certificates by the University after the course of studies/programme has been successfully completed by the student. It warranted an indepth review of the policies and procedures of the University.
6. The Special Response Team decided to take up the following issues on the basis of the frequency of complaints:
 - i. Admissions/dispatch of books/refunds.
 - ii. Submission of assignments
 - iii. Appointment and role of the tutor.
 - iv. Issuance of degrees/certification/diploma/provisional result card etc.
 - v. Unfair means cases.

The Team held a series of meetings with the University authorities. The measures suggested and recommendations made have been formulated in consultation with them.

ADMISSIONS/DISPATCH OF BOOKS/REFUNDS

7. The academic year at AIOU consists of two Semesters i.e. Spring and Autumn. The admissions for the Spring Semester start in the 1st week of February and for Autumn in the 1st week of August every year (Table –III).

Table-III

S. NO.	ACTIVITY	SPRING SEMESTER	AUTUMN SEMESTER
1.	Admission Opens	1 st Week of February	1 st Week of August
2.	Last date of Admission	Mid March	Mid September
3.	Completion of Data Entry to Admission Office	5 th April	5 th October
4.	Admission List and Address Labels from Computer Centre	From Mid May	From Mid October
5.	Mailing	Mid May to 31 st July	Mid October to 31 st Jan
6.	Study period	July to Mid Nov	Jan to Mid May
7.	Examination begins	Mid Nov to Mid Jan	Mid May to Mid July
8.	Results	Feb-Mar	Aug-Sept
9.	Last date of Mailing of Result Slips	March	September

After the admission process is completed, books/study material are dispatched to the students followed by intimation of tutors' particulars by the respective regions.

Issues:

8. i. Admission not given on incomplete forms, i.e. if no course code is entered in the admission form.
- ii. Admission denied for not attaching the result card (issued by AIOU) by continuing students for the previous semesters/programme.
- iii. In cases where the applicant is not granted admission and seeks refund of the admission fee deposited in the University's account, considerable delay takes place in the refund of the amount to the applicant.
- iv. Admission in two programmes is not permissible. If students apply and are admitted to two programmes, the Agency cancels admission to both the programmes on detection.
- v. Non-receipt of books/course material by the student causes considerable hardships to them.

Recommendations

9. i. The students may be allowed provisional admission in cases where the information with regard to the course codes is missing in the admission form, subject to the condition that all deficiencies are met within 15 days of the grant of provisional admission. This should be highlighted in the admission form, the Rahnumai Tulaba (the guide book) and the prospectus for the information and guidance of the students.
- ii. The Agency does not grant admission in cases where the result card for the previous programme from AIOU is not attached. Normally, the University should check whether an applicant is a continuing student from its own record. However, since the number of applications in each semester, is around 500,000, the University feels that this issue pertains mainly to students of graduate level because invariably for the last 20 years it has been witnessed that the results of under-graduate programmes are declared well before the closing date of admissions. The order of result declaration is as under:

- (i) PTC
- (ii) CT
- (iii) B.Ed
- (iv) SSC Level
- (v) HSSC Level
- (vi) Graduation
- (vii) Postgraduate Level

The problem is being faced mainly by those students who have completed their Graduation and are desirous of admission to any postgraduate programme. It was agreed that provisional admission may be granted to students at postgraduate level for the completers of graduate level subject to verification by the Exam Department.

- iii. The University, in cases where the bank receipt is lost, asks the students to furnish an affidavit to claim the refund of fee in case of non admission which causes inordinate delay. It was suggested that the University should verify the receipt of admission fee from its own record and refund the amount to students without asking for an affidavit but subject to production of CNIC. It was agreed that the recommendation will be submitted to the Executive Council of the University for its consideration/ approval.
- iv. In some cases the students apply for and are admitted to two programmes, in the same semester, the double admission, when found out later, is cancelled in both the Programmes and the fee forfeited by AIOU. This is being done by the University to compensate for the manhours lost in processing the cases with two different departments. The data for the last 4 semester was checked and the position of application for two programs is as under: -

Semester	No. of Cases
Spring 2007	111
Spring 2008	62
Autumn 2007	56
Autumn 2008	79
Total	308

Average per Semester -77 Cases

It was noted that on an average 77 cases of double admission per semester were detected as against total admission of around 500,000 students. As the University generally provides education to the low income level of society, the cancellation of admission in both the programmes and forfeiture of their fee seems harsh. It was considered that the student may be allowed to retain admission in one of the programmes and get refund of 50% of admission fee in the other. It was agreed that the recommendation will be submitted to the Executive Council for its consideration.

- v. In some cases, books/reading material, even though dispatched to the students by registered post are not received by them. The present practice involves correspondence back and forth, between the University and the student. Since the number of such cases is quite small, it is suggested that such students should be sent, a duplicate set of books/reading material in order to enable them to commence their studies.

SUBMISSION OF ASSIGNMENTS

10. Assignments are the centre piece of the distance learning programme. The student is required to submit assignments of course codes relevant to the programme. The assignments are required to be submitted to the tutor for evaluation and award of marks in accordance with a schedule set for this purpose. The assignments can be delivered to the allocated tutor either by hand or by registered post. In both cases, a written acknowledgement by the tutor for having received the assignments is essential. The evaluation of assignments and its return to the students are major areas of complaints by the students.

Issues

11. i. In case of delivery by hand, the tutor does not provide any written acknowledgement to the student in the absence of which it becomes difficult for the student to provide any credible evidence of having submitted the assignments to the tutor.
- ii. In case of dispatch by registered post, the postal receipts invariably do not clearly show the date of dispatch of the assignments and in majority of cases the students are unable to provide evidence of timely submission of assignments to the tutor.
- iii. There is a limit of 30 days, after the date of receipt of the result card, to point out the omission/mistake in it. This is too short a time to get the result corrected.

Recommendations

12. i. A simple receipt acknowledging the assignment by hand be printed in the Prospectus and Rehnama-i-Tulba for use by the student and the tutor with clear instructions that it has to be given to the student by the tutor under his full signatures, properly dated, in acknowledging the receipt of the assignment.
- ii. It has been laid down in the procedures that the students should send the assignments to the tutor by registered post. In case of loss of assignment, the receipt issued by the Post Office becomes important. It was considered that the registered letter/packet be made 'acknowledgment due' so that a proof of receipt of assignment by the tutor was available. This should also be added in Rehnama-i-Tulba for the guidance of the students.
- iii. There is a limit of 30 days from the date of receipt of result for the student to apply for rectification/revision in the result card. In most of the cases the result card reaches the student 10-15 days after the declaration of result thus allowing a very short time for filing a review petition before the Agency. It was explained by the University that after declaration of result, the students are required to settle their assignment related issues because if they are absent/fail in assignments due to any discrepancy in assignment component, they are allowed either to get the problem resolved by the Central Late Assignment Committee or avail the chance of fresh admission in the next semester. In case the complaint period is extended upto 180 days, the students will lose one semester because of extended duration. It was, therefore, agreed that the limit of 30 days be substituted with limit of 90 days from the date of declaration of result in respect of the following:
- (i) Final result
- (ii) Assignments/workshop result.
- The 90 days limit will also apply to requests for correction of date of birth.

LATE ASSIGNMENT COMMITTEE

13. There is a schedule for submission of assignments for each course code which is required to be adhered to by the students. The delay in the submission of assignments has serious consequences for the student. The assignments are submitted late due to late intimation by the tutor about his appointment, alongwith information about his name, address and phone number and non-adherence to prescribed procedures/instructions for submission of assignments by the student.

Issues

14. In order to consider cases of late submission of assignments in which the student may have some genuine reasons to explain the delays, the University had in 2005 constituted a committee to address the issue through an internal mechanism. As per notification of 2005, the convener of the committee is the Deputy Controller (Results). The other two members were of the level of Superintendent and Assistant which needed to be reviewed in order establish a system in which the committee is composed of sufficiently high level officials to take timely decisions.

Recommendation

15. The late submission of assignments is a serious issue. It is one of frequent causes of complaints against the Agency. The formation of the Late Assignment Committee at the central level was a major step for providing an institutional framework, for consideration of genuine cases of delayed submission of assignments. In view of its importance in the over all system both for the student and the University, it is imperative that its composition is revisited. It was considered

that the committee should be headed by a senior officer of the University. The Agency agreed and through its notification of 23/2/2008 has already reconstituted the committee as under:-

1.	Addl. Controller of Exams.	Convener
2.	Nominee of Director, Regional Services	Member
3.	Deputy Controller of Exams (Results)	Member
4.	Asstt. Controller of Exams (Postgraduate)	Member
5.	Asstt. Controller of Exams, (Results)	Member
6.	Superintendent (Examinations)	Secretary

APPOINTMENT/ROLE OF THE TUTOR.

16. The University engages around 40000 to 45000 tutors around the country. They perform an important role in Distance Educational System. The tutors are appointed by the regional offices on the recommendations of the relevant department of AIOU. The University has prescribed qualifications for recruitment of the tutors.

Issues

17. i. As per procedures it is incumbent upon the tutor to inform the student of his name and address. The tutors, however, sometime do not intimate the students about their appointment creating problems for them.
- ii. There is a prescribed time schedule for the submission of assignments to the tutor. Once evaluated, the tutor should include the marks awarded, in the cumulative list, sent to the Regional Office. It is important that schedule of submission of assignments is strictly observed by the students.
- iii. The tutors generally do not return evaluated assignments to students thus causing problems if the marks obtained are not shown in the cumulative list sent by the tutor to the regional offices of AIOU.

Recommendations

18. The appointment letter and the instructions issued to the tutor should, inter alia, contain that: -
 - i. The intimation letter to student must be mailed under postal certificate (UPC), through urgent mail service (UMS) or through Registered Post (Acknowledgement Due). The tutor should also communicate his mobile phone number to the students allocated to him.
 - ii. Tutor should not evaluate the assignments or prepare supplementary result after forwarding the cumulative result to the Regional Director.
 - iii. The tutor must return to the student the marked assignments duly signed by him in original, alongwith signed/dated 'parts'. Failure to return the marked assignments to the student should result in tutor's permanent disqualification.

PERFORMANCE MONITORING OF THE TUTOR

Issue

19. The performance of the tutor needs to be monitored on a regular basis. Presently there is no system in place to achieve this objective.

Recommendation

20. Since the tutor plays a very important role in the system and is charged with the evaluation of the assignments of the students, periodical monitoring of their performance is imperative. The modalities should be worked by the University authorities.

**ISSUANCE OF DEGREES/CERTIFICATES/
DIPLOMA/PRC ETC.**

21. One of the important issues that constitutes around 60-70% of the total complaints received during a year, is the delay/non-issuance of degrees, certificates etc., to the students.

Table-IV

Issuance of Provisional Result (Completers) from Spring 2007 to Spring 2008 Semester.

Name of Programme	Spring 2007	Autumn 2007	Spring 2008
PTC	1494	610	32720
CT	760	9601	3884
ATTC	1204	0	1091
COURSE 110 ALLISANUL ARABI	360	644	451
SSC GENERAL	3292	3421	4239
SSC DARS-E-NAZAMI	64	99	85
SSC HEALTH	4	10	9
SSC HOME ECONOMICS	0	5	1
HSSC GENERAL	8615	8922	10353
HSSC COMMERCE	0	93	155
HSSC SCIENCE	0	56	80
LIBRARIANSHIP CERTIFICATE	436	290	337
BACHELOR GENERAL	14746	15952	19174
B.COM	230	450	384
BA MASS COM.	247	284	346
BBA	14	0	17
BLIS	536	531	517
BA DARS-E-NIZAMI	31	35	26
BET	22	3	68
BS (IT)	199	10	1
BS (CS)	0	73	18

BED	481	52272	3630
MA ARABIC	10	0	13
MA (HISTORY)	17	1	50
MA (URDU)	147	33	113
MA EDUCATION DNF	0	98	45
MA (ISLAMIAT)	399	79	739
MA EDU (SPECIAL)	31	115	75
MA DNFE	12	98	45
MA EPM	5	24	8
MA EDUCATION TEACHER	100	1589	306
MSC MATH	5	23	0
MSC PHYSICS	5	2	1
MSC SOCIOLOGY	13	30	7
MSC PAK STUDIES	243	123	173
MSC ECO	68	11	94
MSC MASS COM.	36	154	43
MSC CHEMISTRY	3	8	3
DIPLOMA TEFL	44	378	46
MSC WOMEN STUDIES	5	15	30
MBA NEW	397	780	425
MBA IT	0	12	10
MBA BANKING & FINANCE	0	955	205
MLIS	4	36	9
MED TEACHER EDUCATION	5026	677	7386
MED SCIENCE EDUCATION	0	68	495
MED SPECIAL EDU	0	75	342
MED DNFE	0	18	128
DIPLOMA VISION SCIENCE	21	0	0
TEC COURSE	164	209	0
Sub Total	39528	98970	88492
Grand Total			226990

22. As per Table IV, AIOU on the average issues 12000-13000 degrees/certificates & diplomas per month. After the declaration of result, the students, who have completed the requirement of the Programme, are sent computerized provisional result cards. As regards the issuance of original degree/certificate, the University, as its policy, has fixed a duration of 2 years from the date of declaration of result subject to the fulfillment of all the codal requirements and verification of documents as per prescribed procedure of the University.

Issues:

23. i. There is ambiguity in the timeframe of 2 years for issuance of degree/certificate etc. In some documents of the Agency it is stated that original degree/certificate will be issued “within 2 years”, while in others it is to be issued after 2 years from the date of declaration of result. There is thus need for complete clarity in the instructions on the subject.
- ii. For urgent issuance of the degree/certificate, the Agency charges urgent fee which is double the normal fee. The Agency, however, has not laid down any time limit as to how much time will be taken for issuing the degree/certificate on urgent basis.

Recommendations

24. i. After the issuance of marks sheet, the degree/certificate/diploma must be issued within the period of 2 years from the date of declaration of the result on his/her turn basis. The detailed procedures for issuing the degree/diploma etc should be clearly indicated/explained in the Prospectus/Rehnmāi Tulaba issued by the University.
- ii. As regards the time frame for issuance of degree/certificate on urgent basis, a maximum period of 7 days should be taken to issue the degree/certificate etc on receipt of urgent fee failing which the University should be liable to issue the degree/certificate on normal fee and refund the urgent fee to the student.

UNFAIR MEANS CASES (UMC).

25. Disciplinary action, in the form of cancellation of examination and debarring from appearing in the subsequent examinations, is taken against a candidate found using unfair means, the University has established an 'Unfair Means Committee (UMC), at every regional office on the basis of a decision by its Executive Council, taken on 30/8/1981.
26. The Regional UMC has been constituted as under:-
- Regional Director/Convener
 - One Principal of a local college
 - One senior Headmaster/Headmistress of a local institution
 - A nominee of Controller of Examinations.
27. The procedure for processing unfair means cases is prescribed as under:-
- The Controller of Examinations issues the charge-sheet to the candidate, on the basis of the report and the incriminating material received from the Superintendent of an examination centre.
 - On receipt of a reply of the candidate, the Controller passes on the complete file to the concerned Regional Director for processing the case.
 - The cases of the candidates, who do not request for personal hearing, can be considered and decided by the Central Committee (Appellate Committee), based in Islamabad, which the Controller of Examinations will as Convener. Other members of the Committee may be Director Regional Services and Head of Department to be nominated by the Vice-Chancellor.

Issues

28. i. A majority of unfair means cases pertain to impersonation mainly due to non-submission of CNIC at the examination centre. The punishment for appearing in the examination without the CNIC is disqualification for not less than 3 Semesters and not more than 5 Semesters, which is considered to be too severe and needs to be reviewed.
- ii. Presently the regulations do not provide a time frame during which the cases should be finalized by the University. Resultantly the students suffer because during the pendency of the case they are allowed admission in subsequent semester and may successfully pass them. On being found guilty, all the efforts made and the money spent by the student goes waste.
- iii. The regulation provides for a limit of 30 days for filing an appeal against the decision of Regional Unfair Means Committee to the Central Appellate Committee which is considered to be an insufficient period for this purpose.

Recommendations

29. i. As regards non-submission of the CNIC, it is important that a distinction is made between a genuine omission of not having brought the card and attempted impersonation. Therefore, the student should be given an opportunity to produce the card on the same day. Additionally, the picture of the student must be affixed on the roll number slip in all programmes to minimize the incidence of impersonation.
- ii. A reasonable time limit (of 3 months) be prescribed for finalization of the disciplinary case after its institution by the University and the student be allowed provisional admission in the subsequent semester with clear stipulation that the admission is subject to the outcome of the disciplinary case.
- iii. A period of 45 days be provided to the student for filing the appeal to the Appellate Committee against the decision of the Regional Unfair Means Committee by amending the relevant rule in this regard.

CONCLUSION

30. Allama Iqbal Open University is a pioneering institution in Pakistan on distance education system and has come a long way since its inception in 1974. The institution has continued to grow, expand and has over the years provided educational opportunities to the masses. The University has in the year 2008, reached a new milestone of enrolling over a million students in its 35th years of existence.
31. One of the important factors for improving the performance of any institution is the emphasis on the use of recent technological advancement. The University has a computer centre which has been functioning since 1980. This is a key service department and it has achieved computerization of various procedures and operations. However there is a dire need to computerize all such activity and areas of work which are presently handled manually.
32. Another important element, contributing to improved efficiency in an institution, is the training provided to its officials. In addition regular orientation courses need to be arranged for the staff.
33. It will also be important to ensure wide publicity to new measures proposed to be taken on the basis of recommendations contained in this report. This should be done through the Prospectus, Rehnama-i-Tulba (guide book) and other avenues of publicity.
34. In working on the report of the Special Response Team, the Wafaqi Mohtasib Secretariat and the University have jointly examined the issues and have come up with recommendations which are both practical and objective. It would be in the fitness of things if this kind of review is carried out once annually by the University itself to ensure that it addresses systemic issues in a timely manner.

Appendix III

Our Team

Javed Sadiq Malik

Wafaqi Mohtasib (Ombudsman) of Pakistan

Head Office, Islamabad

Mr. Junaid Iqbal Ch., *Secretary*
Ms. Viqar-un-Zeb, *Additional Secretary/Member*
Mr. Agha Nadeem, *Additional Secretary/Member*
Mr. Farhat Hussain, *Adviser*
Mr. Mansoor Ahmed, *Adviser*
Mr. Firoz ud din Khan, *Adviser (Registration)*
Syed Yasin Ahmed, *Adviser*
Mr. Liaquat Ali Ch. *Adviser (Appraisal)*
Mr. Muhammad Idrees Baig, *Director General (Admn)*
Sheikh Bashir Ahmed, *Director General*
Sahibzada Faiz Mahmood Faizi, *Director General*
Brig. (Retd) Ahmad Salim, *Consultant*
Mr. Khalil A. Mirza, *Consultant*
Mr. Muhammad Ashfaq Ahmed, *Director*
Mr. Abdul Rasheed Razi, *Director (Admn)*
Mr. Abdur Rauf, *Director (Coord)*
Mr. Muhammad Ahsan Bashir, *Consultant*
Mr. Muhammad Saqib Khan, *Consultant*
Mr. Azmat Hussain Khan, *Director*
Mr. Gulzar Ahmed Malik, *Deputy Director (Accounts)*
Mr. Umardraz, *Consultant (Library)*
Syed Nabil Shah Gilani, *Data Control Officer*
Mr. Sohail Ahmad Phatak, *Software Developer*
Mr. Wajid Ali Shah, *Network Administrator*
Mr. Ephraim Qaiser, *Care Taker*
Mr. M. A. Satti, *Superintendent*
Mr. Abdul Waheed, *Superintendent*
Mr. Muhammad Saeed Rana, *Assistant Director*
Mr. Javed Barki, *Superintendent*
Mirza Ijaz Ahmad, *Superintendent*
Ch. Talib Hussain, *Superintendent*
Mr. Manzoor Masih, *Superintendent*
Mr. Muhammad Fiaz, *Assistant Director*
Mr. Shakeel Ahmed, *Assistant Registrar*
Mr. Munawar Sajjad Gondal, *Assistant Registrar*
Mr. Adnan Jadoon, *Assistant Registrar*

Regional Office, Lahore

Mr. Asif Mahmood Malik, *Member (Incharge)*
Mr. Mazhar Ali Khan, *Director General*
Mr. Shaukat Ali, *Advise*
Mr. Ali Tahir Zaidi, *Adviser*
Brig. (R) Nisar Ali, *Consultant*
Brig. (R) Shamshad Ali, *Consultant*
Mr. Muhammad Zafar Sahi, *Consultant*
Syed Azmat Ali Shah, *Director*
Mr. Muhammad Yasin Baig, *Registrar*
Mr. Asghar Ali Awan, *A.A.O.*
Mr. F.S. Azad Hussain, *Superintendent*

Regional Office, Karachi

Mr. Altaf Hussain Mughal, *Director General (Incharge)*
Mr. Iftikhar Ahmad Khan, *Adviser*
Mr. Muhammad Mehboob Alam, *Adviser*
Mr. Abdul Sattar, *Director General*
Mr. Nazir Ahmad Khan Swati, *Consultant (Admn)*
Mr. Muhammad Idris, *Assistant Director*
Mr. Muhammad Tariq Khan, *Asstt. Accounts Officer*

Regional Office, Peshawar

Mr. Habib ur Rehman Zakori, *Addl. Secretary/Member*
Mr. Shaukat Hussain, *Adviser*
Syed Abid Hussain Bukhari, *Consultant*
Hafiz Abdul Haye, *Director General*
Mr. Mashood Ahmad Mirza, *Director*
Mr. Muhammad Naem, *Director*
Mr. Jehangir, *Director (Implementation)*
Mr. Fawad Hanif, *Consultant*
Mr. Muhammad Adalat Khan, *Consultant*
Syed Ahmad Hussain Shah, *Registrar*
Mr. Pervez Ghauri, *Dy. Registrar*

Regional Office, Quetta

Mr. Muhammad Afzal Baloch, *Director General (Incharge)*

Regional Office, Sukkur

Mr. Anwar Ali Khokhar, *Consultant*
Mr. Ali Murad Chachar, *Consultant*
Mrs. Behleem Bilqees Jan, *Consultant*

Regional Office, Multan

Mr. Ahmad Bakhsh Bhapa, *Adviser (Incharge)*
Mr. Muhammad Javed Khalid, *Director*
Rao Iftikhar Ahmad, *Consultant*
Mr. Muhammad Daud Khan, *Consultant*
Mr. Saeed Anwar, *Consultant*
Mr. Muhammad Saleem Khan, *Assistant Registrar*
Mr. Haq Nawaz, *Assistant Director*

Regional Office, Faisalabad

Mr. Maqsood Khawaja, *Adviser (Incharge)*
Syed Badar-e-Munir, *Consultant*
Ch. Muhammad Ashraf, *Consultant*
Malik Muhammad Asif Khan, *Consultant*
Mr. Bashir Ahmed Malik, *Consultant*

Regional Office, D.I. Khan

Mr. Qureshi Muhammad Nawaz Shah, *Director (Incharge)*
Mr. Shabbir Ahmed Qureshi, *Consultant*
Sheikh Qaiser Naeem, *Assistant Director*
Mr. Shafqat Ali, *Assistant Registrar*

Appendix IV

Contact Details

Headquarters

Wafaqi Mohtasib (Ombudsman)'s Secretariat,
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Regional Offices

Regional Office, Lahore

State Life Building,
3rd Floor, 15-A, Davis Road, Lahore.
Phone: 92-42-9201017-20, Fax: 92-42-9201021
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Regional Office, Karachi

4-B, Federal Government Secretariat,
Saddar, Karachi.
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Link Zarghoon Road, Quetta.
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Regional Office, Sukkur

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Regional Office, Multan

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Stadium Corner Vehari Road, Multan.
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Regional Office, Faisalabad

24/Z/13-A, Behind Chenab Market,
Susan Road, Madina Town, Faisalabad.
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E-mail: wmsrof@mohtasib.gov.pk

Regional Office, Dera Ismail Khan

H. No. 31/4, Quaid-e-Azam Road,
Dera Ismail Khan.
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Federal Tax Ombudsman

Federal Tax Ombudsman,
State Enterprises Complex,
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Fax: 92-51-9205553
E-mail: ftoisb@mail.com

Insurance Mohtasib

State Life Building No.2,
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Banking Mohtasib

Shaheen Complex, 5th Floor,
PO Box No.604, M R Kiani Road,
Karachi.
Phone: 92-21-9217334-9

Provincial Ombudsman Punjab

Provincial Ombudsman, Punjab,
2-Bank Road, Lahore.
Phone: 9211773, Fax: 9212069

Provincial Ombudsman Sindh

Shahrah-e-Kamal Ataturk,
Opp: Sindh Secretariat, Karachi
Phone: 92-21-9211026,
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Provincial Ombudsman Balochistan

Block No. 10, Civil Secretariat,
Quetta.
Phone: 92-81-9201827

Ombudsman of Azad Jammu & Kashmir,

Mohtasib (Ombudsman)'s Secretariat,
Muzaffarabad. (AJ&K)
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