

EXTRAORDINARY

REGISTERED NO.2771



THE BALUCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 25 QUETTA MONDAY MARCH 19, 2001

GOVERNMENT OF BALUCHISTAN LAW DEPARTMENT

NOTIFICATION.

Dated Quetta, the 19th March, 2001.

No.Legis:1-91/Law/91. The following Ordinance made by the Governor of Balochistan on 10th March, 2001 is hereby published for general information: -

BALUCHISTAN ORDINANCE NO. VI OF 2001

THE ESTABLISHMENT OF THE OFFICE OF OMBUDSMAN FOR THE
PROVINCE OF BALUCHISTAN ORDINANCE, 2001.

AN ORDINANCE

To provide for the establishment of the office of Provincial
Ombudsman for the Province of Balochistan.

Preamble

WHEREAS it is expedient to provide for the
appointment of the Provincial Ombudsman to

Printed by the Controller Government Printing & Stationary Department, Balochistan, Quetta
D.No.25-Copies-3-2001.

diagnose, investigate, redress and rectify any injustice done to a person through mal-administration;

AND WHEREAS, the Provincial Assembly of Balochistan stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Governor of Balochistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of Article 4 of the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order No.9 of 1999), and in exercise of all powers enabling him in that behalf, the Governor Balochistan is pleased to make and promulgate the following Ordinance:-

1. Short title extent and Commencement:-

- (1) this Ordinance may be called the Establishment of the office of Ombudsman for the Province of Balochistan Ordinance, 2001
- (2) It extends to the whole Province of Balochistan.
- (3) It shall come into force at once.

2. Definitions:-

In this Ordinance, unless there is any thing repugnant in the subject or context:-

- (1) "Agency" means a Department, Commission or Office of the Provincial Government or Statuary Cooperation or other Institution established or controlled by the Provincial Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or High Court.
- (2) "Mal-Administration" includes;
 - (i) a decision, process, recommendation, act of Omission or Commission which-

- (a) is contrary to Law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons;
 - (b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or recriminatory;
or
 - (c) is based on irrelevant grounds;
or
 - (d) involves the exercise of powers, or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
- (ii) Neglect, inattention, delay, incompetence inefficiency and inaptitude, in the administration or discharge of duties and responsibilities;
- (3) “Office” means the office of the Ombudsman;
- (4) “Ombudsman” means the Ombudsman appointed under section 3;
- (5) “Prescribed” means prescribed by rules made under this Ordinance;
- (6) “Public Servant” means a public servant as defined in Section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and includes a Minister, Advisor, Parliamentary Secretary and Chief Executive, Director or Other officer or employees or member of an Agency and;
- (7) “Staff” means any employees or commissioner of the office and includes co-opted members of the staff, consultants, advisors, bailiffs liaison officer and experts.

3. Appointment and Qualification of Ombudsman:-

- (1) There shall be an Ombudsman for the Province of Balochistan, who shall be appointed by the Governor.
- (2) The Ombudsman shall be a person who is or has been a Judge of the High Court, or has been District and Session Judge qualified to be a Judge of the High Court or any Lawyer who is qualified to be Judge of the High Court.

- (3). Before entering upon office, the Ombudsman shall take an Oath before the Governor in the form set out in the first schedule.
- (4). The Ombudsman shall, in all matters perform his functions and exercise his powers fairly, honestly, diligently and independently of the Executive; and all Executive Authorities through out the Province of Balochistan shall act in aid of the Ombudsman.

4. Tenure of the Ombudsman:-

- (1) The Ombudsman shall hold office for a period of Four years and shall not be eligible for any extension of tenure or for reappointment as Ombudsman under any circumstances.
- (2) The Ombudsman may resign his office by writing under his hand addressed to the Governor.

5. Ombudsman not to hold any other office of profit etc:-

- (1) The Ombudsman shall not –
 - (a) Hold any other office of profit in the service of Pakistan; **or**
 - (b) Occupy any other position carrying the right to remuneration for the rendering of services.
- (2) The Ombudsman shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office; nor shall he be eligible during the tenure of office and for a period of two years thereafter for election as a member of Parliament or a Provincial Assembly or any Local Body or take part in any political activity.

6. Terms and conditions of service and remuneration:-

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

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

- (3) If the Ombudsman make a request under the proviso to sub-section (2), he shall not perform his functions under this ordinance until the hearing before the Supreme Judicial Council has concluded.
- (4) An Ombudsman removed from office on the ground of mis conduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as a member of Parliament or a Provincial Assembly or any Local body.

7. Acting Ombudsman:-

At any time when the office of Ombudsman is vacant, or the Ombudsman is absent or is unable to perform his functions due to any cause, the Governor shall appoint an Acting Ombudsman.

8. Appointment and terms and condition of service of staff:-

- (1) The members of the staff, other than those mentioned in section 20 or those of a class specified by the Governor by order in writing, shall be appointed by the Governor in Consultation with the Ombudsman.
- (2) It shall not be necessary to consult the Balochistan Public Service Commission for making appointment of the members of the staff or on matters relating to qualifications for such appointment and methods of their recruitment.
- (3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as

may be prescribed heaving regard to the salary, allowances and other terms and conditions of service that may for the time being be admissible to other employees of the Provincial Government in the corresponding Grades in the National Pay Scales.

- (4) Before entering upon office a member of a staff mentioned sub section (1) shall take an Oath before Ombudsman in the form set out in the second schedule of this Ordinance.

9. Jurisdiction functions and powers of the Ombudsman:-

- (1) The Ombudsman may on a complaint by an aggrieved person, on a reference by the Governor, or the Provincial Assembly or on a motion of the Supreme Court or a High Court made during the course of any proceedings before it or his own motion, undertake any investigation into any allegation of mal-administration on the part of any Agency or any of its officers or employees;

Provided that the Ombudsman shall not have any jurisdiction to investigate or inquire into any matter which:-

- (a) is subjudice before a Court of competent jurisdiction or judicial tribunal or board in Pakistan on the date of the receipt of a complaint, reference or motion by him; **or**
 - (b) relate to the external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or government; **or**
 - (c) relate to, or are connected with, the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.
- (2) Notwithstanding any thing contained in sub-section (1), the Ombudsman shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.
 - (3) For carrying out the objectives of this Ordinance and, in particular for ascertaining the root causes of corrupt practices and injustice, the Ombudsman may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.

- (4) The principal seat of the office of Ombudsman shall be at Quetta, but he may set up regional offices as when and where required.

10. Procedure and evidence:-

- (1) A complaint shall be made on solemn affirmation or oath and in writing address to the Ombudsman by the person aggrieved or, in the case of his death, by his legal representative and may be lodged in person at the office or handed over to the Ombudsman in person or sent by any other means of communication to the office.
- (2) Anonymous or pseudonymous complaints shall not be entertained.
- (3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Ombudsman may conduct an investigation pursuant to a complaint which is not within time if he considers that there are special circumstances which make it proper for him to do so.
- (4) Where the Ombudsman propose to conduct an investigation he shall issue to the principal officer of the Agency concerned, and to any other person who is alleged in the complaint to have taken or authorised the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal;
 Provided that the Ombudsman may proceed with the investigation if no response to the notice is received by him from such principal officer or other person within thirty days of the receipt of the notice or within such longer period as may have been allowed by the Ombudsman.
- (5) Every investigation shall be conducted in private, but the Ombudsman may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.
- (6) A person shall be entitled to appear in person or be represented before the Ombudsman.
- (7) The Ombudsman shall, in accordance with the rules made under this ordinance, pay expenses and allowances

to any person who attends or furnishes information for the purposes of an investigation.

- (8) The conduct of investigation shall not affect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.
- (9) For the purposes of investigation under this Ordinance the Ombudsman may require any officer or member of the Agency concerned to furnish an information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation, and there shall be no obligation to maintain secrecy in respect of disclosure of any information or document for the purposes of such investigation;
Provided that the Governor may, in his discretion, on grounds of its being a State secret, allow claim of privilege with respect to any information or document.
- (10) In any case where the Ombudsman decides not to conduct an investigation, he shall send to the complainant a statement on his reasons for not conducting the investigation.
- (11) Save as provided in this Ordinance, the Ombudsman shall regulate the procedure for the conduct of business or the exercise of powers under this Ordinance.

11. Recommendations for implementations:-

- (1) If, after having considered a matter on his own motion, or on complaint or on a reference by the Governor, or the Provincial Assembly, or on a motion by Supreme Court or a High Court, as the case may be, the Ombudsman is of the opinion that the matter, considered amounts to Mal-Administration, he shall communicate his findings to the Agency concerned-
 - (a) to consider the matter further;
 - (b) to modify or cancel the decision, process, recommendation, act or omission;
 - (c) to explain more fully the act or decision in question;

- (d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;
 - (e) to dispose of the matter of case within a specified time;
 - (f) to take action on his findings and recommendation to improve the working and efficiency of the Agency within a specified time; or
 - (g) to take any other steps specified by the Ombudsman.
- (2) The Agency shall, within such time as may be specified by the Ombudsman inform him about the action taken on his recommendations or the reasons for not complying with the same.
- (3) In any case where the Ombudsman has considered a matter or conducted an investigation, on complaint or on a reference by the Governor, or the Provincial Assembly or on a motion by the Supreme Court or a High Court, the Ombudsman shall forward a copy of the Communication received by him from the Agency in pursuance of sub-section (2) to the complainant or, as the case may be, the Governor, the Provincial Assembly, the Supreme Court or the High Court.
- (4) If, after conducting an investigation, it appears to the Ombudsman that an injustice has been caused to the person aggrieved in consequence of Mal-Administration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the Governor.
- (5) If the Agency concerned does not comply with the recommendations of the Ombudsman or does not give reasons to the satisfactions of the Ombudsman for non-compliance, it shall be treated as “Defiance of Recommendations” and shall be dealt with as hereinafter provided.

12. Defiance of recommendations:-

- (1) If there is “Defiance of Recommendations” by any public servant in any Agency with regard to the implementation of a recommendation given by the Ombudsman, the Ombudsman may refer the matter to the Governor who may, in his discretion, direct the Agency to implement the recommendation and inform the Ombudsman accordingly.

- (2) In each instance of “Defiance of Recommendations” a report by the Ombudsman shall become a part of the personal file or Character Role of the public servant primarily responsible for the defiance;

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

13. Reference by Ombudsman:-

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

14. Powers of the Ombudsman:-

- (1) The Ombudsman shall, for the purposes of this Ordinance, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matter namely;
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents;
 - (c) receiving evidence on affidavits; and
 - (d) issuing commission for the examination of witness.
- (2) The Ombudsman shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Ombudsman, may be useful or

relevant to, the subject matter of any inspection or investigation.

- (3) The powers referred to in sub section (1) may be exercised by the Ombudsman or any person authorised in writing by the Ombudsman in this behalf while carrying out an inspection or investigation under the provision of this Ordinance.
- (4) Where the Ombudsman finds the complaint referred to in sub section (1) of section 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made and the amount of such compensation shall be recoverable from the complaint as arrear of Land Revenue;

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

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

15. Power to enter and search any premises:-

- (1) The Ombudsman, or any member of the staff authorised in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Ombudsman or, as the case may be, such member has reason to believe than any Article, book of accounts, or

any other document relating to the subject matter of inspection or investigation may be found, and may –

- (a) Search such premises and inspect any Article, book of accounts or other documents;
 - (b) take extract or copies of such books of accounts and documents;
 - (c) impound or seal such Articles, books of accounts or documents; and
 - (d) make an inventory of such Articles, books of accounts and other documents found in such premises.
- (2) All searches made under sub section (1) shall be carried out, mutates, mutandis, in accordance with the provision of the Court of Criminal Procedure, 1898 (Act V of 1898).

16. Power to punish for contempt:-

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

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

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

17. Inspection Team:-

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

18. Standing Committee etc:-

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

19. Delegation of powers:-

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

20. Appointment of Advisors etc:-

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

21. Authorization of Provincial Functionaries, etc:-

The Ombudsman may, if he considers it expedient, authorize, any Agency, public servant or other functionary working under the Administrative Control of the Provincial Government to undertake the functions of the Ombudsman under sub section (1) or sub section (2) of section 14 in respect of any matter falling within the jurisdiction of the Ombudsman; and it shall be the duty of the Agency, public servant, other functionary so authorised to undertake such functions to such extent and subject to such conditions as the Ombudsman may specify.

22. Award of costs and compensation and refund of amount:-

- (1) The Ombudsman may, where he deems necessary call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any Mal-Administration committed by such public servant, other functionary or Agency and after considering the explanation, and hearing such public servant, other functionary or Agency, award reasonable cost as arrears of Land Revenue from the public servant, functionary or Agency.
- (2) In cases involving payment of illegal gratification to any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of trust or cheating, the Ombudsman may order the payment thereof for credit to the Government or pass such other order as he may deem fit.
- (3) An order made under sub section (2) against any person shall not absolve such person of any liability under any other Law.

23. Assistance and advice to Ombudsman:-

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

24. Conduct of business:-

- (1) The Ombudsman shall be the Chief Executive of the Office.
- (2) The Ombudsman shall be the Principal Accounts Officer of the office in respect of the expenditure incurred against Budget, Grant or Grants controlled by the Ombudsman and shall, for this purpose, exercise all the financial and administrative powers delegated to an Administrative Department.

25. Requirements of affidavits:-

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

26. Remuneration of Advisors, Consultants:-

- (1) The Ombudsman may, in his discretion, fix an Honorarium or remuneration of Advisors, Consultants, Experts and interns engaged by him from time to time for the services rendered.

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

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

27. Ombudsman and staff to be public servants:-

The Ombudsman, the employees, officers and all other staff of the office shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act SLV of 1860).

28. Annual and other reports:-

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

29. Bar of Jurisdiction:-

No court or other authority shall have jurisdiction-

- (a) to question the validity of any action taken or intended to be taken, or order made, or any thing

done or purporting to have been taken, made or done under this Ordinance;

or

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

30. Immunity:-

No suit, prosecution or other legal proceeding shall lie against the Ombudsman, his staff, Inspection Team, nominees, member of the standing or advisory Committee or any person authorized by the Ombudsman for anything which is in good faith done or intended to be done under this Ordinance.

31. Reference by the Governor:-

- (1) The Governor may refer any matter, report or complaint for investigation and independent recommendation by the Ombudsman.
- (2) The Ombudsman shall promptly investigate any such matter, report or complaint and submit his findings or opinion within a reasonable time.
- (3) The Governor may, by Notification in the official Gazette, exclude specified matter, public functionaries or Agencies from the operation and purview of all or any of the provisions of his ordinance.

32. Representation to Governor:-

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

33. Informal resolution of disputes:-

- (1) Notwithstanding any thing contained in this Ordinance, the Ombudsman and a member of the

staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written Memorandum and without the necessity of docketing any complaint or issuing any official notice.

- (2) The Ombudsman may appoint for purposes of Liaison Counselors, whether honorary or otherwise, at Local levels on such terms and conditions as the Ombudsman may deem proper.

34. Service of process:-

- (1) For the purposes of this Ordinance a written process of communication from the office shall be deemed to have been duly served upon a Respondent or any other person by, inter-alias, any one or more of the followings methods, namely :-
 - (i) By service in person through any employee of the office or by any special process-server appointed in the name of the Ombudsman by any authorized staff of the office, or any other person authorized in this behalf;
 - (ii) By depositing in any mail box or posting in any post office a postage prepaid copy of the process, or any other document under certificate of posting or by registered post acknowledgement due to the last known address of the Respondent or person concerned in the record of the office, in which case service shall be deemed to have been effected ten days after the aforesaid mailing;
 - (iii) By a Police officer or any employee or nominee of the office leaving the process or document at the last known address, abode, or place of business of the Respondent or a person concerned and if no one is availing at the aforementioned address, premises or place, by affixing copy of the process or other document to the main entrance of such address; &

- (iv) By publishing the process or document through any Newspaper and sending a copy thereof to the Respondent or the persons concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the Newspaper.
- (2) In all matters involving service the burden of proof shall be upon a Respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.
- (3) Whenever a document or process from the office is mailed, the envelope or the package shall clearly bear the legend that it is from the office.

35. *Expenditure to be charged on Provincial Consolidated Fund:-*

The remuneration payable to the Ombudsman and the Administrative expenses of the office, including the remuneration payable to staff, nominees and grantees, shall be an expenditure charged upon the Provincial Consolidated Fund.

36. *Rules:-*

The Ombudsman may, with the approval of the Governor, make rules for carrying out the purpose of this Ordinance.

37. *Ordinance to override other laws:-*

The provisions of this Ordinance shall have effect notwithstanding anything contained in any other Law for time being in force.

38. *Removal of difficulties:-*

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

Dated Quetta
the 10th March, 2001.

**JUSTICE (RETD) AMIR-UL-MULK MENGAL,
GOVERNOR BALOCHISTAN.**

**IMTIAZ HUSSAIN.
Secretary Law.**

THE FIRST SCHEDULE

{See Section 3(2)}

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

That as Ombudsman for the Province of Balochistan, I will discharge my duties and perform my function honestly, to the best of my ability, faithfully in accordance with the Laws for the time being in force in the Province without fear or favour, affection or ill-will;

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

That I shall do my best to promote the best interest of Pakistan and Province of Balochistan.

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

May Allah Almighty help and guide me (Amen)

THE SECOND SCHEDULE

{See Section 8(4)}

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

That as an employee of the office of the Ombudsman, I will discharge my duties and perform my function honestly, to the best of my ability, faithfully in accordance with the Laws for the time being in force in the Province without fear or favour, affection or ill-will;

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

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

May Allah Almighty help and guide me (Amen)

Chapter# 14:

Balochistan Regulations 2005

EXTRAORDINARY

REGISTERED NO. S-2771



THE BALOCHISTAN GAZETTE
PUBLISHED BY AUTHORITY

NO. 181 QUETTA TUESDAY DECEMBER 13, 2005.

OFFICE OF THE PROVINCIAL OMBUDSMAN
BALOCHISTAN

NOTIFICATION.

Dated Quetta the 13th December, 2005.

No .PMS/Admn/2(47)0858-62/2005 In exercise of powers conferred by sub-section (11) of section 10 of the Establishment of the office of Ombudsman for the Province of Balochistan (Ordinance VI of 2001), the Ombudsman for Province of Balochistan is pleased to make the following Regulations laying down the procedure for registration, investigation and disposal of complaints under the Ordinance 2001, namely:-

Printed by the Controller, Government Printing and Stationery Department, Balochistan Quetta.

Rs. D. NO. 181-50-Copies-12-2005.

CHAPTER-I

INTRODUCTION

1. Short title and commencement.- (1) These Regulations may be called the Ombudsman for the Province of Balochistan (Registration, Investigation and Disposal of Complaints) Regulations, 2005.

(2) It shall come into force at once.

2. Definitions.- (1) In these Regulations, unless there is anything repugnant in the subject or context, -

- (a) "Ordinance" means the Balochistan Ordinance VI of 2001.
- (b) "Authorised Officer" means an officer of the Office of the Ombudsman authorised by the Ombudsman for scrutiny of complaints at the stage of preliminary examination;
- (c) "disposal" means the completion of all proceedings in a complaint, reference or motion;
- (d) "examination" means scrutiny of complaints by the Registrar or the Authorised Officer at the preliminary stage or by the Investigation Officer on commencement of investigation;
- (e) "Form" means a form specified by the Ombudsman;
- (f) "Hearing" means the process of ascertaining of facts by hearing of one or all the parties, examination of the record and site inspection;
- (g) "Investigation" means investigation of allegations raised in a complaint, reference or motion till its disposal and includes holding of enquiry;
- (h) "Investigation Officer" means an officer of the Office of the Ombudsman to whom a complaint, reference or motion has been entrusted for investigation;
- (i) "Registry" means an office in the Principal Seat or any other office authorized by the Ombudsman regarding presentation and receipt of complaints where the complaints are presented or received; and
- (j) "Secretary" means the Secretary of the Office of the Ombudsman Balochistan.

(2) All other terms and expressions used in these Regulations but not defined hereinbefore shall have the same meaning as have been assigned to them in the Ordinance.

CHAPTER-II

PROCEDURE FOR REGISTRATION OF COMPLAINTS

3. Presentation of complaints.- (1) A complaint written in Urdu or English may be presented by the complainant personally or through an authorized representative or by mail or other means at the Office or during visits of Provincial Ombudsman and his officers to the District/Tehsil headquarters.

(2) Every complaint shall be made on solemn affirmation or supported by an affidavit to the effect that-

- (a) the allegations contained in the complaint are correct and true to the best of knowledge and belief of the complainant;
- (b) previously no complaint on the subject was filed at the Office;
- (c) no suit, appeal, petition or any other judicial proceedings in connection with the subject matter of the complaint are pending before any Court.

(3) On receipt of a complaint the person incharge of the Registry shall-

- a) diarize the complaint.
- b) issue an acknowledgement receipt to the complainant in person, if he is present or send it by post; and
- c) forward it to the Registrar.

4. Examination by the Registrar.- The Registrar shall, on receipt of the complaint from the Registry-

- (i) allot a registration number to the complaint;
- (ii) examine the complaint alongwith the documents attached thereto; and
- (iii) submit the complaint with his views to the Ombudsman or the Authorized Officer for orders as to its admission or otherwise.

5. Admission or rejection of complaint at preliminary stage.- (1) Where the grievance of a complainant against an Agency or its employee *prima facie* amounts to maladministration, and the complaint is not incompetent under the proviso to sub-section (1) or sub-section (2) of section 9 of the Ordinance 2001, and is not barred under sub-section (2) of section 10 thereof, the Ombudsman, or the Authorised Officer, shall admit the complaint for investigation.

(2) Where, *prima facie*, a complaint is deemed incompetent under sub-regulation (1) or does not require any investigation for any other reason, the Ombudsman or the Authorized Officer may reject, the complaint in *limine*:

Provided that the Ombudsman may, in his discretion, direct that such matter may be resolved informally under section 33 of the Ordinance.

(3) Where a complaint is rejected *in limine*, the Registrar shall inform the complainant the reasons for rejection of the complaint and consign the file to the record.

(4) Where the complaint is admitted under sub-regulation (1), the Registrar shall pass it on to the Investigation Officer authorised to investigate complaints against a particular Agency and inform the complainant of the procedure to be followed in investigation of the complaint.

6. Suo Moto Cognizance.- (1) Whenever suo moto cognizance of maladministration is taken by the Ombudsman, he may issue to the principal officer or any other officer of the Agency a notice incorporating brief facts and circumstances or send a copy of the written material which, in his

opinion, appears to have caused maladministration and call upon him to meet the allegations contained therein and to submit a detailed report.

(2) On receipt of report as required under sub regulation (1), the Ombudsman may close the investigation if he is satisfied that no maladministration has been committed.

(3) Where the Ombudsman decides to proceed with the investigation, he may either investigate the matter himself or entrust it to any other Investigation Officer to proceed further in the matter as provided in the Ordinance 2001 and these Regulations.

CHAPTER-III

PROCEDURE FOR INVESTIGATION

7. Entrustment of complaints to Investigation Officers.- (1) For the purpose of investigation of the complaint, the Ombudsman may, by general or special order in writing, authorise any officer of the Office to exercise powers under sub-sections (1) and (3) of section 14 of the Ordinance.

(2) Where a complaint is not made on solemn affirmation or is not accompanied by a copy of the National Identity Card and an affidavit in the specified form, the Investigation Officer shall require the complainant to provide it, otherwise, the complaint may be dismissed.

(3) If the Investigation Officer after perusal of the complaint comes to the conclusion that it should not have been entertained on any of the grounds mentioned in section 9 or those in section 10(2) of the Ordinance, he shall submit the complaint with his findings to the Ombudsman for orders.

8. Report from the Agency.- (1) In respect of every complaint admitted for investigation under regulation 5 and further scrutinized under regulation 7, a report in writing shall be called from the Agency complained against.

Provided that where circumstances so require, the report may be called for through telephone, telex, fax, e-mail or any other means of communication:

Provided further that where an immediate action or redress is called for, the Investigation Officer may call upon the principal officer of the concerned Agency to redress or cause the grievance to be redressed within a specified period and submit a compliance report to the Ombudsman but if he is of the view that the grievance cannot be redressed, he shall submit a detailed report explaining the reasons why the same cannot be done.

(2) The notice calling for a report shall be accompanied by a copy of the complaint or relevant extracts there from highlighting the grievances of the complainant, the alleged nature of maladministration and where necessary, copies of all relevant documents attached with the complaint.

(3) The notice for submission of report under subsection (4) of section 10 of the Ordinance 2001 shall be addressed to the principal officer of the Agency as well as to any other officer who is alleged in the complaint to have taken or authorized the action complained of.

(4) The report shall be submitted within such period as is specified in the notice or within such period ordinarily not exceeding 15 days as may be allowed on the written request of the principal officer or the officer concerned.

(5) Where the principal officer or the officer concerned fails to submit the report as required under sub-regulation (4), the Investigation Officer shall issue another notice requiring the principal officer or the officer concerned to appear before him or the Ombudsman on the specified date or depute an officer well conversant with the facts of the case with the written report and the relevant record of the case, failing which the Ombudsman may issue directions to the appropriate authority under sub-section (5) of section 14 of the Ordinance for taking disciplinary action against the person who disregarded the direction. If failure or disobedience to submit report on the part of the principal officer or the officer concerned so warrants, the Ombudsman may proceed against him for contempt under section 16 of the Ordinance.

9. Agency's Report on allegations of the Complainant.-(I) Where the Agency reports that the grievance of the complainant already stands redressed or relief has been provided to him on receipt of the complaint from Ombudsman Office, the complaint may be disposed of as having borne fruit unless it is considered necessary to award compensation to the complainant for the loss or damage suffered by him due to gross maladministration in accordance with section 22 of the Ordinance.

(2) In a case where the Agency reports that for the relief sought, the complainant was required to fulfill certain procedural requirements, the complainant shall be directed to complete such requirements and, if no information is received within the time allowed by the Investigation Officer, it shall be presumed that the complainant does not wish to pursue the case further and the complaint may be filed as not pressed.

(3) Where the Agency contests some or all the allegations made by the complainant, the Investigation Officer may, if he is not satisfied with the report of the Agency, address a questionnaire to the Agency for elucidation of specific questions or call for additional information.

10. Rejoinder.-(1) Where the Investigation Officer is satisfied that, in the light of the report of the Agency, any clarification in respect of the allegations contained in the complaint is required from the complainant, he shall call upon the complainant to submit a rejoinder within a specified time not exceeding thirty days, or such further period not exceeding 20 days as may be extended by the Investigation Officer.

Provided that if no rejoinder is received within the extended' period, the Investigation Officer may finalize investigation:

Provided further that where the Agency makes a request with plausible reasons that any portion of the report or any document annexed to its report may be kept confidential, such portion of the report or, as the case may be, document shall not be sent to the complainant unless the Investigation Officer decides otherwise.

(2) Where on receipt of rejoinder from the complainant, the Investigation Officer finds that the complainant is satisfied with the report of the Agency and does not desire to pursue his case any further, the complaint may be deemed to have been disposed of as having borne fruit unless there is sufficient material to show that there was any gross maladministration which was the basis of the complaint. In such a case the Ombudsman may pass such orders as he deems fit.

(3) Where the complainant reiterates his stand without any reasonable grounds or justification and the Investigation Officer is of the opinion that the Agency had not committed any maladministration, the complaint shall be rejected.

11. Further investigation.- Where the Investigation Officer is of the opinion that any further enquiry is called for, he shall bring out the controversial points between the parties for determination and require the Agency;-

- (a) to provide further comments;
- (b) to make clarification of any specific issue;
- (c) to produce the relevant record; or
- (d) to depute a representative for a hearing.

12. Hearing of cases.- (1) Hearing shall be fixed only when it is considered necessary in the interest of fair and expeditious disposal of the complaint.

(2) As far as may be, no officer of the Agency shall be summoned by name or rank and the Agency shall ordinarily be required to depute an officer fully conversant with the facts of the case.

(3.) The officers of the rank of Secretary and above shall be summoned only with the approval of the Ombudsman.

(4) Any mutual agreement or undertaking given by parties shall be recorded by the Investigation Officer and signed by the persons representing the parties.

(5) If for any reason, the date of hearing already fixed is changed, the Investigation Officer shall inform both the parties well in time of the next date of hearing.

13. Inspections.- (1) Where an inspection of a place, or site, or the examination of any record is necessary, the Investigation Officer himself or any official authorized by him shall, with the approval of the Ombudsman, and after due intimation to the Agency proceed for the inspection of the site or, as the case may be, examination of the record.

(2) The file of the case shall be returned to the Investigation Officer with a report of inspection of the spot or examination of the record, as the case may be.

14. Requisitioning of record.- (1) Where the Investigation Officer considers it necessary, the Agency may be directed to produce the record under sub-section (9) of section 10 of the Ordinance:

(2) In case any portion of the record is considered necessary to be retained by the Investigation Officer, an authenticated copy thereof shall be prepared and provided to the Agency.

15. Information from and to the complainant.- (1) If at any stage of the investigation, the Investigation Officer desires to seek any clarification from the complainant, he may ask him on telephone or through post or to appear before him for the purpose.

(2) If the investigation of any case is protracted and its disposal is likely to take more than three months or if the complainant approaches the Investigation Officer to ascertain the position of his case, the complainant shall be kept informed of the progress of his case at least once in every three months.

CHAPTER-IV

PROCEDURE FOR DISPOSAL OF COMPLAINTS

16. Completion of Investigation - The investigation of a complaint shall, with the approval of the Ombudsman, be closed when it is found that-

- (a) the subject matter of the complaint does not fall within the purview of the Ordinance; or
- (b) no case of maladministration is prima facie made out; or
- (c) the Agency is not at fault as a particular procedure has to be adopted or formalities have to be followed by the complainant for redress of his grievance; or
- (d) the complainant fails to furnish the required information or supply relevant documents, or fails to attend hearings, despite notices and it is not possible to decide the complaint on the basis of the available record; or
- (e) the relief had already been provided before the complaint was lodged and the complainant confirms the redress of his grievance or he is informed of the same through registered post; or
- (f) the complainant and the representative of the Agency agree to a proposition consequent whereof grievance is redressed without any proof of maladministration; or
- (g) the complainant without any reasonable ground or justification continues to press his allegations but the Agency is not guilty of maladministration; or
- (h) where findings for redress of grievance have been given and the directions contained therein have been complied with or a representation has been filed to the Governor under section 32 of the Ordinance; or

- (i) where representation under section 32 of the Ordinance is rejected or the findings have been modified, and the original or the modified findings, as the case may be, have been complied with; or
- (j) the subject matter of the complaint was subjudice before a court of competent jurisdiction on the date of receipt of the complaint, reference or motion; or
- (k) the complaint by or on behalf of a public servant or functionary concerns matters relating to the Agency in which he is or has been, working, in respect of personal grievance relating to his service therein; or
- (l) the subject matter of the complaint is the same which has already been disposed of by findings in an earlier complaint; or
- (m) the subject matter of the complaint has already been adjudicated upon by a Court or Tribunal of competent jurisdiction; or
- (n) the complaint had been made by a person who is not an aggrieved person; or
- (o) the complaint was anonymous or pseudonymous.
- (p) the Agency during the hearing of the complaint or its processing undertakes to provide the relief sought; or
- (q) the subject matter of the complaint was, or has become, sub-judice before a court of competent jurisdiction; or
- (r) the complaint is time barred as it was made more than three months from the day on which the complainant first came to know of the matter and there are no special circumstances to condone the delay; or
- (s) the complaint is premature as the cause of action has not yet arisen; or
- (t) the complaint does not disclose any cause of action to justify investigation; or
- (u) the complaint involves examination of witnesses, detailed interpretation of laws, rules, regulations or different clauses of contracts and their inter-se-relationship for which the proper forum is a court of competent jurisdiction and not this Office; or
- (v) the facts of the case are disputed by the parties and to establish the correct position requires a detailed examination of both documentary and oral evidence, and its assessment for which the proper forum is a court of competent jurisdiction and not this Office; or
- (w) the Agency is not at fault as the redress of the grievances of the complainant by it has to follow an action to be taken by another Agency to which a Reference for the purpose has been made;
- (x) it warrants closure for a valid reason not covered by any of the preceding clauses.

17. Findings of the Ombudsman- (1) In all cases where investigation is proposed to be closed at any stage of investigation and where a direction to the Agency or any of its officers or employees is or is not to be issued, the Investigation Officer shall prepare draft findings, as far as possible in the specified form and submit these to the Ombudsman: for orders/decision.

(2) The draft findings shall be simple, impersonal, persuasive and in paragraphs duly numbered in chronological order.

(3) On submission of draft findings, the Ombudsman may pass orders/decision, make such changes in the draft findings as he considers necessary in the light of the investigation done, ask the Investigation Officer to redraft the findings or to carry out further investigation as indicated.

(4) These draft findings shall be resubmitted to the Ombudsman after making such changes as have been approved by him or directed by him to be made or after carrying out such investigation as directed by him, as the case may be, the draft findings will then be resubmitted to the Ombudsman for orders/decision.

(5) In all cases, a copy of the order/decision shall be communicated to the complainant and the Agency concerned.

18. Completion of Findings and consignment of files to Record.- (I) After the findings are signed by the Ombudsman:-

- (a) all drafts shall be destroyed by the Investigation Officer;
- (b) the copies of the Findings shall be authenticated by the Investigation Officer and dispatched to the complainant and the Agency.

(2) With the approval of the Ombudsman, important findings may be circulated amongst Investigation Officers for information and selected cases may be sent to the Public Relations Officer for publication.

(3) Where a complaint is closed or rejected it shall be consigned to the record room within 14 days of the closure or rejection.

(4) Where any findings have been communicated to the Agency under sub-section (1) of section 11, the file shall be retained by the Investigation Officer and consigned to record room only after confirmation of implementation of the recommendation has been received from the Agency or the Complainant.

(5) The Investigation Officer shall send one copy of the findings in the specified form in duplicate to the Computer Section for updating the record and place the other copy on the relevant file which should then be consigned to the record room.

(6) Where any person is aggrieved by a decision or order of the Ombudsman and intends to file a representation to the Governor under section 32 of the Ordinance, the file may be consigned to record room within 14 days of the confirmation of representation having been filed.

(7) Where a representation to the Governor made under section 32 of the Ordinance is rejected or the findings are modified, the file shall be taken out from the record room for making an entry about the decision of the Governor and shall be consigned to the record room within 14 days of the confirmation of implementation of the original or modified findings.

19. Reconsideration Petition.- (1) In case an Agency gives reasons in terms of subsection (2) of section 11 of the Ordinance for not complying with the directions, a copy of its report shall be supplied to the complainant on the specified form, for his comments.

(2) On receipt of a reply from the complainant, he shall be provided an opportunity of being heard and after considering his pleadings during the hearing, if any, the Investigation Officer shall submit the case with draft findings to the Ombudsman for orders.

(3) On considering the case submitted by the Investigation Officer under sub regulation (2), the Ombudsman may pass such orders thereon as deemed appropriate and have then communicated to the complainant and the Agency.

20. Procedure in case of non-compliance.- Where-

- i) no representation to the Governor has been filed by the Agency under section 32 of the Ordinance; or
- ii) a representation was filed but has been rejected; or
- iii) a modified findings have been issued as a result of the orders of the Governor on the representation;

and the Agency fails to implement the original or the modified recommendations wholly or partially and the reasons given by the principal officer or the officer concerned for non-implementation have been rejected by the Ombudsman as unsatisfactory, it shall be treated as "Defiance of Recommendations" and dealt with under section 12 of the Ordinance.

21. Correction of errors, mistakes, misrepresentation, etc.- (1) Where through any typographical error, mistake or misrepresentation by the complainant or the Agency, an incorrect figure, fact or position is reflected in the findings and directions of the Ombudsman, the Investigation Officer shall, after giving notice to the complainant and the Agency and providing them an opportunity of being heard, submit the case with draft findings to the Ombudsman in specified form for consequential rectification or modification of the original findings and directions.

(2) In all cases where the consequential rectification or modification is made the decision shall be communicated to the complainant and the Agency on specified form.

22. Proceedings for Defiance of Recommendations or Disciplinary Action.- (1) Where it is decided by the Ombudsman to initiate proceedings for "Defiance of recommendations" in terms of Section 12 of the Ordinance or for action under sub-section (5) or (6) of section 14 of the Ordinance, the Investigation Officer shall submit a self contained note to the Secretary alongwith a show cause notice on specified form.

(2) The Secretary shall, with the approval of the Ombudsman, cause the notice to be served on the public servant concerned to show cause as to why the proposed action may not be taken against him.

(3) After considering all the facts of the case, including the reply to the show cause notice, if any, of the public servant under sub regulation (2), the Ombudsman may refer the matter to the Governor under sub section (1) of section 12.

23. Communication of Orders of the Governor.- The orders of the Governor passed on a report of the Ombudsman for "Defiance of recommendations" under section 12 of the Ordinance, shall be communicated by the office of the Ombudsman to the public servant and the concerned Agency for compliance under intimation to the Ombudsman on or before the date specified for the purpose.

CHAPTER- V

MISCELLANEOUS

24. Monthly Progress Report.- (1) Every Investigation Officer shall submit monthly reports to the Ombudsman.

(2) The Secretary shall, by the tenth day of each month, submit to the Ombudsman, in the specified form a statement about institution and disposal of complaints for and upto the end of the preceding month.

25. Notices.- (1) A notice on specified form shall be issued to the complainant by registered post if he fails to -

- (a) furnish required information or documents;
- (b) confirm and verify the contents of the complaint on solemn affirmation or oath;
- (c) submit rejoinder or rebuttal within the specified time; ..
- (d) confirm the compliance of the procedural requirements of the Agency; and
- (e) confirm the grant of relief.

(2) Where the Ombudsman rejects a complaint being false, frivolous or vexatious and decides to award compensation to an Agency, public servant or other functionary under subsection (4) of section 14, before awarding such compensation, the Ombudsman may issue a show cause notice to the complainant on specified form.

(3) Where the Ombudsman contemplates to proceed against employee of an Agency or a public servant or the complainant or other person for contempt of his Office a notice to show cause may be issued to him/them on specified form.

(4) Where the Ombudsman considers that the complainant has suffered loss or damage on account of maladministration of an Agency or any other public servant or any other functionary and deserves awarding of compensation under section 22 of the Ordinance, such Agency, public servant or functionary may be issued a notice to show cause on specified form before awarding compensation.

(5) As far as may be, all notices shall be issued under registered cover and special care shall be taken to record the correct mailing address.

26. List of Principal Officers of the Agencies and their nominees.- (1) The Registrar shall maintain a list of principal officers of Agencies.

27. Maintenance of files.- (1) The Investigation Officer shall ensure that the record of every complaint is properly maintained and the proceedings are reflected in chronological order in the order sheet as given in specified form.

(2) The case file shall contain the following particulars on its cover, namely:-

- (a) registration number of the complaint;
- (b) date of registration of the complaint;
- (c) complainant's name;
- (d) name of the Agency complained against;
- (e) brief subject of the complaint;
- (f) whether the file contains correspondence or noting or both;
- (g) date of disposal of complaint; and
- (h) date of consignment to record.

(3) The complaint alongwith cover sheets on specified forms shall be tagged on the right-hand side of the file, whereas the order sheet on specified form shall be placed on the left-hand side of the file.

(4) The pages should be numbered in chronological order with the last numbered page appearing on the right hand side on the file.

(5) The order sheet on specified form shall contain record of actions taken with dates for further processing and shall be used as noting part of the file for obtaining orders, instructions and directions of the Ombudsman.

28. Notwithstanding any provision in these Regulations but subject to the provisions contained in the Ordinance, the Ombudsman shall continue to exercise his powers and have absolute discretion to modify the procedure of handling any particular case or adopt a special procedure keeping in view the special nature and fact of the case.

**By the order of
Ombudsman for the Province of
Balochistan**

**NAZAR MUHAMMAD KAKAR,
SECRETARY
Provincial Ombudsman Secretariat
Balochistan**