



# Fact Sheet *Wafaqi Mohtasib(Ombudsman) Pakistan*

July 13, 2009

INSTITUTIONAL OVERVIEW NUMBER 1.1

## *Legal Framework*

The President's Order No. 1 of 1983 *Establishment of the Office of Wafaqi Mohtasib(Ombudsman) Order 1983*, was promulgated in 1983. As a result, the Wafaqi Mohtasib(Ombudsman)'s Institution was established with the charter to "*diagnose, investigate, redress and rectify and injustice done to a person through Mal-administration*".

## *Jurisdiction*

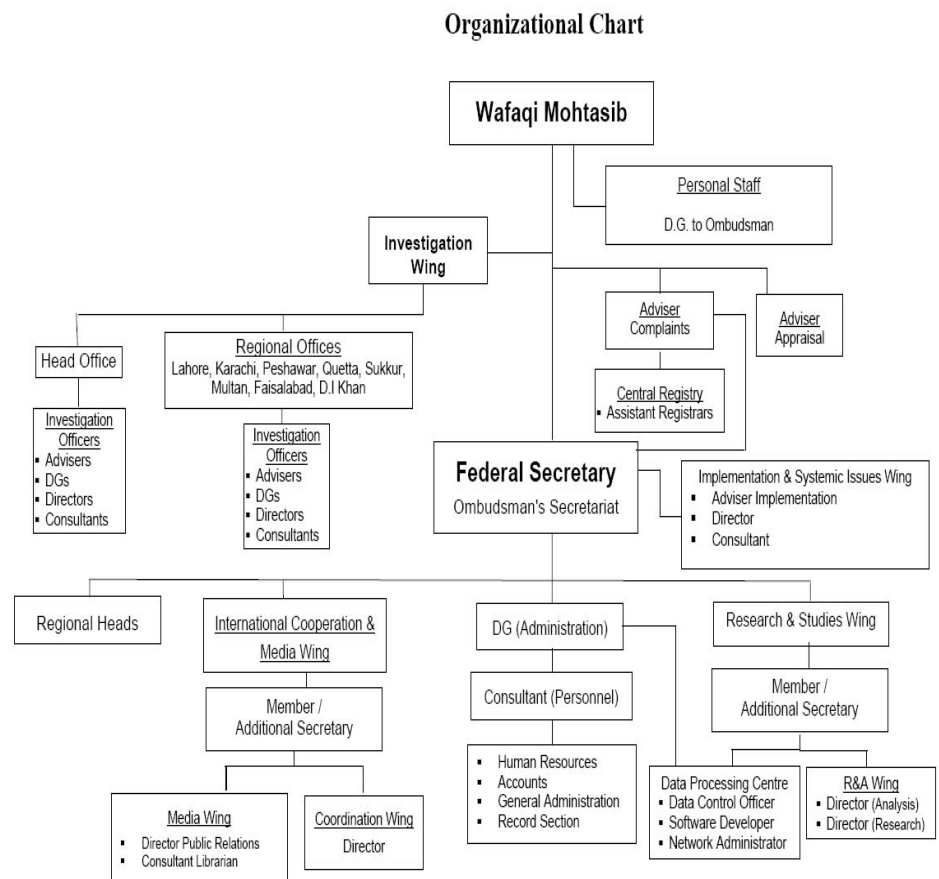
The Mohtasib may on a complaint by any aggrieved person, or a reference by the President or the National Assembly, or on a motion of the Supreme Court or a High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into an allegation of mal-administration on the part of any agency or any its officers or employees. The 'Agency' includes a Ministry, Division, Department, Commission or office of the Federal Government or statutory corporation or other institution established or controlled by the Federal Government. The Mohtasib, however, does not investigate or inquire into any matters which are sub judice, or relate to a grievance of a public servant against an Agency in respect of his service therein or relate to the external affairs of Pakistan, or are connected with the Defence of Pakistan or its Military, Naval and Air Forces.

## *Legal Powers*

The Wafaqi Mohtasib(Ombudsman) has been vested under law with the following powers:

- a. Powers to take suo moto cognizance of any public interest maladministration issue
- b. Powers, at par with the Supreme Court, to punish for contempt
- c. Powers to refer cases to the President for defiance of recommendations
- d. Powers for summoning and enforcing attendance of any person
- e. Powers to compel production of documents
- f. Powers for receiving evidence on affidavits and issuing commission for examination of witnesses
- g. Power to enter and search any premises
- h. Power for informal resolution of disputes
- i. Powers to recommend disciplinary action or initiation of criminal proceedings against any public servant
- j. Power to award compensation and refund of amounts to complainants where maladministration is proved
- k. Power to award compensation to any federal agency in case the complaint made against them is determined to be false, frivolous or vexatious

## Organization Structure



Besides the Head Office of the Wafaqi Mohtasib established in Islamabad, the Wafaqi Mohtasib Secretariat has eight regional office covering all the four provinces of Pakistan. These offices are located at Karachi and Sukkur (Sindh Province); Quetta (Balochistan Province); Lahore, Faisalabad and Multan (Punjab Province); and Peshawar and D.I Khan (North West Frontier Province)

## Implementation Arrangements

An implementation Wing in the head office is responsible for the overall monitoring of the implementation of findings and recommendation of the Wafaqi Mohtasib Secretariat, who is supported by a Director, Complaints are finalized and consigned to the record only after evidence of implementation is available. Within the prescribed time for implementation contained in the Findings and Recommendations, the complaints are tracked by the respective Investigation Officer. The Implementation Wing begins direct follow up with the concerned agency or the complainant only after evidence of implementation is not available within the prescribed period .

## Research & Analysis

In order to realize our aim of targeting systemic failures, we have taken the initiative of establishing a Research & Analysis Wing in our Head Office, headed by the Member/Additional Secretary, who is assisted by a Director. This Wing has been tasked with the responsibility for identifying patterns and practices that lead to maladministration and to analyze their causes. This analysis will be shared with the Agencies and also published to enable access to a wider audience. This Wing will also engage with academia and think tanks, both local and international, to assist in carrying out research on various topics. The Research & Analysis Wing also helps set standards for performance and in the monitoring of performance of Investigation Officers.

<p><i>Investigative Techniques</i></p>	<p>The procedure for conduct of investigation and for record of evidence is laid down in the President's Order No.1 of 1983 and is detailed in the Wafaqi Mohtasib (Investigation &amp; Disposal of Complaints) Regulations 2007. Once a complaint is admitted by the Wafaqi Mohtasib, investigation can take the following forms:</p> <ol style="list-style-type: none"> <li>a. Issuance of notice to the agency for written response to the complaint within a specified period, followed by hearings if required.</li> <li>b. The complainant is given full opportunity to respond to the agency's report and for appearing in person or through a representative at hearings</li> <li>c. Investigations are conducted in private</li> <li>d. The Wafaqi Mohtasib may call for any information, document or evidence in relation to the complaint</li> <li>e. The Wafaqi Mohtasib can also take suo moto cognizance of any public interest issue and initiate investigation by calling for reports, documents or by summoning any public servant to appear for a hearing</li> </ol>
<p><i>PGR Rules and Standards</i></p>	<p>The rules and standards for service and processing of complaints relating to Public Grievance Redress (PGR) are contained in the Wafaqi Mohtasib (Investigation &amp; Disposal of Complaints) Regulations 2007, which lay down the procedures as well as timeframes for registration, processing and disposal of complaints.</p>
<p><i>FOI Standards</i></p>	<p>Section 19 of the Freedom of Information Ordinance 2002 provides for the role of the Wafaqi Mohtasib in ensuring that no applicant is denied the right of obtaining information to which he has a right of access.</p>
<p><i>Use of Technology</i></p>	<p>The Wafaqi Mohtasib has launched a major Management Information System (MIS) for improving its operations. As a result of the MIS, all complaints are now managed through a customized online complaint management system. In addition, all functional responsibilities such as human resource management, accounts and other administrative operations are now handled on customized, web-based software. There are several other ways in which the Wafaqi Mohtasib currently uses or proposes to use Information Technology to improve its services, including:</p> <ol style="list-style-type: none"> <li>a. Acceptance of complaints over email and fax</li> <li>b. Enabling online tracking of complaints</li> <li>c. Introduction of a UAN and Toll Free services</li> <li>d. Establishment of Call Centre</li> <li>e. Launch of interactive website</li> </ol>
<p><i>Public Awareness &amp; Outreach</i></p>	<p>The Wafaqi Mohtasib publishes an Annual Report, which is available in printed form as well as on the Wafaqi Mohtasib website for free download. CD-ROMs are also available for distribution to stakeholders.</p> <p>In addition, the Wafaqi Mohtasib also issues press releases and public notices on important actions taken to redress public grievances.</p>

## Linkages with Civil Society

The Wafaqi Mohtasib is the President of the Asian Ombudsman Association, which is registered as a non-governmental organization. In this capacity, the Wafaqi Mohtasib interacts with member institutions as well as members of civil society in a number of countries.

The Wafaqi Mohtasib is also a member of the Board of Directors of the International Ombudsman Institute.

## Parallel Complaint Redress Systems

There are a number of institutions charged with the responsibility of grievance redress as shown in the table below:

<b>Parallel Redress Systems <i>An Overview</i></b>	
<i>Institution</i>	<i>Jurisdiction</i>
National Accountability Bureau	All cases of corruption against any public servant or member of the Government.
Oil & Gas Regulatory Authority	Regulatory issues, including licensing, tariff and management of the oil and gas exploration and marketing companies.
National Electricity & Power Regulatory Authority	Regulatory issues, including licensing, tariff and management of the electricity generation and marketing companies.
Banking Mohtasib	Grievance redress against any act of any banking institution.
Federal Tax Mohtasib	Redress of grievances against any allegation of maladministration on the part of the Revenue Division or any Tax Employee.
Federal Insurance Mohtasib	Redress of grievances against any allegation of mal-administration on the part of any insurance company.
Pakistan Public Procurement Regulatory Authority	Responsible for prescribing regulations and procedures for public procurements by Federal Government owned public sector organizations with a view to improve governance, management, transparency, accountability and quality of public procurement of goods, works and services. Also endowed with the responsibility of monitoring procurement by public sector agencies/organizations.
Pakistan Electronic Media Regulatory Authority	Regulatory issues of private electronic media including matters relating to immediate and fair redress of complaints pertaining to operations of electronic media.
Securities & Exchange Commission of Pakistan	Responsible for licensing, registration and monitoring of corporate sector, including state owned enterprises.