



Forum of Pakistan Ombudsmen Islamabad

17th Meeting of the Forum of Pakistan Ombudsmen Held on 10th February 2017, at Karachi

A meeting of the Forum of Pakistan Ombudsmen was held on 10th February, 2017 at Karachi under the chairmanship of the Federal Tax Ombudsman to consider the proposal for expanding the activities of the Mohtasib Institutions to the district level, as desired by the Law Reforms Committee in its meeting held on 2nd February, 2017 in the Law Division under the chairmanship of Hon'ble Minister for Law & Justice in Islamabad. The meeting was attended by all Federal and Provincial Ombudsmen and their representatives; list of participants is attached.

2. The meeting discussed in detail following two agenda items:
 - I. The proposed amendments in the Federal Ombudsman laws to abolish Federal Ombudsman institution and the establishment of the offices of Ombudsmen at district level.
 - II. To propose a conceptual model for extending Mohtasib Institutions activities at district level to be submitted to the Law & Justice Division for further necessary action.

Agenda item No.I

3. The following points came to the fore during discussion under this item of the agenda:
 - I. All the Mohtasibs were of the view that carrying out the proposed amendments in the Federal Ombudsman Laws is not a logical and practical idea as all the institutions of the Ombudsmen both at federal and provincial levels are working satisfactorily. In fact, their performance and output has been acclaimed and appreciated by the intelligentsia, media, public representatives, the judiciary and the public at large over the years.

- II. The performance of the Federal Ombudsman has remained exemplary as he has been able to resolve 94,000 complaints throughout Pakistan in the year 2016 alone and over 300,000 during the last three years. Such a remarkable performance does not warrant abolishment of his Office. Likewise, other Federal and Provincial Ombudsmen address huge number of complaints every year providing relief to aggrieved individuals and families against the maladministration and misuse of authority by the public offices.
- III. Setting up offices of District Mohtasib in around 133 districts in Pakistan would create administrative, legal and financial issues requiring a comprehensive cost-benefit analysis before implementation.
- IV. The proposed scheme ignores the fact that in more than half of all districts there are very few complaints (less than ten per month) which hardly justify a full-fledged District Mohtasib.
- V. After 'Devolution of Powers to the Provinces', the administrative and legislative domains of the Federal and Provincial Governments are explicitly defined; one Ombudsman at district level cannot be empowered to deal with matters related to two independent jurisdictions distinctly defined in the Constitution.
- VI. The Ombudsmen were also of the view that with the disbandment of the District Government System, especially in Punjab, the proposal of establishment of office of District Ombudsmen has also become redundant. The concept of District Ombudsman was part of the District Government System of 2008 and since District Governments are no longer functional, establishment of District Ombudsman office is not required any more.
- VII. The Provincial Ombudsman of Punjab stated that the provincial ombudsman offices are functioning in almost all the districts of Punjab. Staff and other resources have been provided and 80% of these offices are functional in government buildings while remaining are in rented premises. These offices can be treated as common platforms for all the Ombudsmen without any extra cost or change in the legal framework. In the given circumstances, proposed scheme of District Ombudsmen cannot be implemented in the Punjab Province.
- VIII. Similarly, the Provincial Ombudsman Sindh informed that they are working in 16 out of 29 districts and also have plans to further expand in remaining districts

soon. Therefore, the proposed idea of District Ombudsman will not be workable in Sindh.

- IX. The Ombudsman KPK Province also opposed the idea of abolishing this institution and stated that provincial governments and provincial assemblies have to be taken on board for the establishment of office of independent Mohtasib at the district level.

4. At the end of the discussion on agenda no. 1, all the Hon'ble Ombudsmen concluded as follows:

- i. Status quo should be maintained since the present system of Ombudsmen both at Federal and Provincial levels is working satisfactorily and their performance have been acknowledged and appreciated by all the segments of the society.
- ii. There has not been any complaint against the current system and no deficiency has ever been pointed out by any authority or forum of Pakistan in this regard.
- iii. The establishment of offices of District Ombudsmen is likely to entail huge expenditure and major administrative, legal and legislative problems; it may even require constitutional amendment as it carries impact on the 'Devolution plan' already settled in the Constitution.
- iv. The idea of introduction of District Ombudsmen no longer holds ground as the district government system has become obsolete.
- v. All Provincial Governments and Provincial Assemblies have to be taken on board before introducing any system of District Ombudsmen at the district level. Their consensus on the subject is difficult to achieve.
- vi. The present system of Federal and Provincial Ombudsmen for redressing the grievances of common man against Federal and Provincial agencies, respectively may be further strengthened so as to achieve the goal of providing inexpensive and speedy justice to the general public at the grassroots level.
- vii. Similarly, the performance of other specialized ombudsmen has also remained satisfactory and they should be allowed to continue.

Agenda item No. II.

5. In response to the advice of the Law Reforms Committee to submit an alternative model to extend activities of the ombudsman Institutions at the district level, the following two models were placed before the Forum:

Model 1.

- i. The representatives of Federal, Provincial and Local Governments may sit under a single roof in a district.
- ii. All ombudsmen would operate under their own existing laws.
- iii. Staff and other resources would be provided by the respective Ombudsman Secretariat.
- iv. They would be appointed by the respective Ombudsman and their jurisdiction would cover their respective Federal, Provincial and Local Agencies.
- v. This model would require a slight amendment in the powers of the Federal Ombudsman to establish regional offices as described in clause 9(4) of Federal Ombudsman P.O.No.1 of 1983 to add “district offices” in addition to the existing regional offices.
- vi. Complaint handling / monitoring would be the responsibility of the respective Ombudsman Secretariat.

6. The Ombudsmen present in the meeting did not endorse the first model since existing system is effectively delivering justice to common man. Consensus was to propose an alternate model to serve the objectives of the District Ombudsman without sucking in any legal/constitutional or administrative complications/implications. Its features are as follows:

Model 2.

- i. Status quo should be maintained and the present system of independent Federal and Provincial Ombudsmen institutions may continue.

- ii. Since the Provincial Ombudsmen representatives are available in almost all the districts of Pakistan and have plans to expand further, they may be considered as the focal Ombudsman offices at the district level, naming it “District Ombudsmen Office”.
- iii. Offices of Provincial Ombudsman in the districts are already providing space and staff, when needed to the representatives of Federal Ombudsmen for dealing with their respective complaints, which may be allowed to continue as such. This would entail minimum cost and resources.
- iv. Liaison officers may be appointed by the Provincial Ombudsmen offices to collect complaints of other Ombudsmen institutions and forward to respective Ombudsman Secretariats for their consideration and disposal.
 - i. This model would require neither any amendment in the existing laws nor any extra resources or space for accommodation.

7. The meeting authorized Ch. Abdur Rauf, Chairman of the Forum to call on the honourable Federal Minister for Law and Justice to apprise him of the Forum’s deliberations and the unified standpoint on the proposal to establish offices of ombudsman at district level. If felt necessary another FPO meeting may be called inviting the Minister to chair so that the Federal and Provincial Ombudsmen may further clarify their views on the proposal.

The meeting ended with a note of thanks to the chair.

List of Participants**17TH MEETING OF THE FORUM OF PAKISTAN OMBUDSMAN (FPO)
HELD ON 10-02-2017**

S. No.	Name & Designation
1.	Hon'ble Mr. Abdur Rauf Chaudhry Federal Tax Ombudsman and President FPO
2.	Hon'ble Mr. M. Salman Faruqui Federal Ombudsman of Pakistan and President AOA
3.	Hon'ble Mr. Anisul Hasnain Musavi, Banking Ombudsman Pakistan
4.	Hon'ble Mr. Raees-ud-Din Paracha Federal Insurance Ombudsman
5.	Hon'ble Mr. Asad Ashraf Malik, Provincial Ombudsman Sindh
6.	Hon'ble Mr. Najam Saeed Provincial Ombudsman Punjab
7.	Hon'ble Mr. Waqar Ayub Provincial Ombudsman Khyber Pakhtunkhwa
8.	Hon'ble Ms. Farkhanda Wasim Afzal Provincial Ombudsperson Punjab for Protection against Harassment of Women at Workplace
9.	Hon'ble Syed Pir Ali Shah, Provincial for Protection against Harassment of Women at Workplace Ombudsman Sindh
10.	Hon'ble Mr. Azhar Farooqi, Ex- Insurance Ombudsman Pakistan
11.	Mr. Abdul Khaliq Secretary, FPO Secretariat, Islamabad
12.	Mr. Iftikhar Babar, Secretary, Wafaqi Mohtasib Secretariat, Islamabad
13.	Hafiz Ihsan Khokhar, Senior Advisor, Federal Ombudsman, Islamabad
14.	Mr. Hashim Raza Zaidi, Secretary Provincial Ombudsman Secretariat, Sindh