FEDERAL OMBUDSMAN

News Bulletin

WAFAQI MOHTASIB SECRETARIAT

Issue 02, Volume 01 July - September 2018

Hon'ble Federal Ombudsman Syed Tahir Shahbaz called on the President of Islamic Republic of Pakistan Dr. Arif Alvi at Aiwan-e-Sadr on 13th September, 2018.

From Ombudsman's Desk

Primarily the function of the Wafaqi Mohtasib's Secretariat is to provide relief to the common citizen of Pakistan against their complaints arising out of the maladministration of Federal Government agencies. However, over a period of time it has also focused on the systemic issues of the agencies which are root cause of their maladministration, either on the directives of the Honourable Supreme Court of Pakistan or its own special initiative. There are 18 exhaustive reports, on different systemic issues, researched by experts of different fields alongwith officers of the Wafaqi Mohtasib Secretariat. These reports are available on the website of the Secretariat. These reports encompass systemic issues such as those of Pension, Police Administration, Prisons, Pakistan Institute of Medical Sciences, Postal Department etc.

Current issue of the News Bulletin also contains information about such reports prepared by the Wafaqi Mohtasib Secretariat recently, on the directions of Honourable Supreme Court of Pakistan. These reports cover subjects such as Environmental Pollution in Coastal Areas, Margalla Hills Fire Incidents, Condition of Women and Children In Jails, Encroachments on Korang Nullah And Kasur Tragedy Of Rape And Killing Of Innocent Zainab.

Syed Tahir Shahbaz
Federal Ombudsman

Attempt has been made to look into the causes of these issues and also discern why government agencies failed to foresee, pre-empt and resolve them. Doable recommendations have also been suggested to the Honourable Supreme Court of Pakistan. I hope that the current issue of the News Bulletin will be informative for the readers. Any suggestions to improve it will be welcomed.

Ombudsman Recommends Assorted Measures to Overcome Environmental Pollution in Coastal Areas

Report presented in the Apex Court

In pursuance of the orders of the Supreme Court of Pakistan, the Honourable Ombudsman of Pakistan Syed Tahir Shahbaz being Chairman of the Commission has presented a report, before the Honourable Chief Justice, Supreme Court of Pakistan to defeat environmental pollution in the coastal areas. Earlier, on a petition, the Honourable Chief Justice of Pakistan Mr. Justice Saqib Nisar had formulated a commission to suggest measures to conquer environmental pollution in the coastal areas. The petitioner Mr. Venu G. Advani had identified big air polluters as vehicles, industrial waste, coal, methane gas, indoor pollutants such as super fine dust, paints, cosmetics, polish, cleaning supplies, pesticides and invisible radon gas etc. He also listed pollutants including burning plastic, noise, cigarette butts and burning of unserviceable electronic items.

The Commission held numerous meetings at Islamabad and at Karachi to find out way forward in the matter and suggested Secretary Environment, Government of Sindh and DG, SEPA, Karachi to prepare an action plan for implementation of environmental laws so as to prevent adverse changes in the environment of Sindh Province. In order to create public awareness, a committee was proposed under Additional Chief Secretary (Environment) having senior officers from environment departments, members from civil society and the petitioner Mr. Advani, to monitor the implementation status on regular basis. It was decided that all polluter vehicles to be made off road, phase-wise, with the coordination of Environment, SEPA and Transport Department.

The Commission also decided that SEPA should take PEMRA on board, for televising public service messages relating to pollution/environmental degradation, on all TV channels. The Secretary Environment and DG, SEPA, Karachi were directed to hold a seminar on the issue and also suggest further measures for controlling the situation.

The Commission presented following recommendations before the Supreme Court of Pakistan:-

i. The importance and critical role of environmental issues must be placed before the centre for its inclusion in national planning. It is no longer a regional issue but has international significance and ramifications. Urgent steps are required for this purpose. A well planned and coordinated awareness campaign should be developed by the Federal and Provincial governments through print and electronic media using public service messages. PEMRA can be advised accordingly when such plans are ready. A period of one month would be adequate for this task.

ii. The ministry of Climate Change needs to play its due role in preparing & executing a comprehensive strategy on environment in consultation with the provincial authorities. It should be noted that compliance of all conventions and agreements is the responsibility of federal government. A pro-active and dynamic role by the EPAs at national and provincial levels is called for. Benchmarks with timeline should be developed by these authorities within 60 days.

iii. Owing to lack of attention and proper ownership, major gaps are noticed in human and financial resources available at various levels. A realistic and cost effective plan of action can be devised in one month to meet urgent needs. Public resources may not allow opening of offices in each district entailing additional staff and operational budget in the near future. It is however possible to ensure better delivery through more efficient use of existing resources.

iv. The oversight and monitoring is the weakest link, both at the provincial and national level. Steering Committees comprising of relevant government departments and eminent experts from the civil society should meet regularly and monitor progress of various activities and action plans. In order to display political will, it is recommended that such committee at the national and provincial level be headed by the Prime Minister and by the respective Chief Ministers respectively.

Federal Ombudsman Syed Tahir Shahbaz chairing a high level meeting to overcome the environmental pollution in coastal areas at Karachi.

Ombudsman Suggests Measures to Prevent Fire Incidents at Margalla Hills

First report presented before the Honourable Chief Justice, Supreme Court of Pakistan

FIRE INCIDENT AT MARGALLA HILLS

In pursuance of the orders of the Supreme Court of Pakistan, the Federal Ombudsman Syed Tahir Shahbaz being Chairman of the relevant Committee called a meeting on the issue on 03.07.2018 and constituted a sub-committee under the chair of Mr. Ijaz Ahmed Qureshi, Senior Adviser/National Commissioner for Children, Wafaqi Mohtasib Secretariat. The committee presented a number of recommendations which include:-

i. Islamabad Metropolitan Corporation (IMC), CDA and NDMA (National Disaster Management Authority) should work together and develop an SOP to deal such incidents.

ii. IMC & WMB (Wildlife Management Board) would be responsible for the oversight and implementation of the SOP. They would submit a quarterly and annual progress report, towards the control of fire, to the Federal Ombudsman Secretariat. Both the agencies would also start a tree plantation campaign with the help of the civil society and would also launch awareness campaign in this regard.

iii. Cabinet Division, NDMA, Pakistan Army and Pakistan Air Force will keep close liaison with IMC for provision of helicopter, on requirement basis. Plantation of broad leave plants to replace pine trees be ensured.

iv. Every fire incident must be reported by IMC and WMB. Criminal action must be ensured against the responsible. Nearby inhabitants be sensitized as per international best practices.

v. Special equipments must be purchased by IMC to control fire alongwith regular training to Guards. For severe fire, aerial water spray through fixed wing fire bombers/helicopters, be deployed for averting the chances of fire to develop into a major conflagration. In this regard, operational framework may be developed by IWMB in conjunction with Ministry of Interior, Ministry of Defence, Pakistan Army and Pakistan Air Force. Surveillance cameras and intelligence factors be added as management tools against mischief mongers.

vi. Pickets must be provided with essential firefighting equipment, fire resisting dress, binoculars and first aid box. Mobile phone be used for better communication.

Federal Ombudsman Syed Tahir Shahbaz presiding over a meeting to discuss prevention of fire incidents at Margala Hills.

Ombudsman Firm to Protect Prisoners' Rights

Biometric system for prisoners would be established: Syed Tahir Shahbaz

Federal Ombudsman Syed Tahir Shahbaz presiding over a meeting to discuss the measures taken for the improvement of women and children conditions in jail at Peshawar.

Federal Ombudsman of Pakistan Syed Tahir Shahbaz has said that biometric system for prisoners in the jails of the country would be established very soon. While chairing a high level meeting on the prisoners' condition at Peshawar, he said that the rights of the women and child prisoners would be protected at all costs. The Inspector General of Jails, KPK, briefed the Honourable Ombudsman, under the directions of Supreme Court of Pakistan, regarding the conditions and problems being faced by the women and child prisoners.

The IG Jails informed that computer labs and libraries were being established in the jails to promote educational skills amongst young prisoners. He added that under the directions of the Supreme Court of Pakistan, District and Session Judges were regularly inspecting the jails. It was informed that there were 21 jails in the entire KPK province having a sanctioned strength of 8395 prisoners. Against this 10,358 prisoners were presently housed in such jails. It was informed that technical education was being provided to the young prisoners.

The Federal Ombudsman issued further instructions for the facilitation of women & child prisoners. While speaking to media men at Peshawar, he said different colleges and universities were being taken on board for provision of education to the prisoners. The meeting was attended by the Additional Home Secretary, Advocate General, KPK, members from civil society and senior officials of Wafaqi Mohtasib Secretariat.

In this connection, the Federal Ombudsman has already signed an MOU with Chairman HEC, COMSATS Institute of Information Technology and VC, Allama Iqbal Open University for improving educational levels of jail inmates.

NGO 'Sweet Homes' have agreed to establish sweet homes for children in jails. In this regard the first sweet home has already been established in Kot Lakhpat Jail, Lahore. The Federal Ombudsman, with the help of Philanthropists, has already established the first boarding school for juveniles, in Borstal Jail, Faisalabad. Those prisoners who were languishing in jails because of nonpayment of fines their fines have been paid by incurring a sum of Rs. 44 million.

Complaint of an NGO Admitted for Stopping Police Raids on the Street Children of Islamabad

The CEO of an Islamabad based NGO 'Human Development Organization' has filed a complaint against Islamabad Police for stopping inhuman raids on the street children. The NGO has complained that the street children were being denied their basic rights as they were being subjected to mental torture by the Islamabad anti-beggary Police Squad.

It has been alleged that the street children were rounded up from shop doorways and roadsides by police and then put behind bars for making the city more presentable. In blatant violation of the country's child protection laws, the terrified children are locked up, made to sleep on concrete floors and often beaten or abused by police officers. The Federal Ombudsman has issued notice to Islamabad Police for comments.

WMS Team With The Help of UNICEF Finalises Report on 'Kasur Tragedy and Redressal of Systemic Issues'

On the initiatives of the Federal Ombudsman, UNICEF has launched a project titled "Kasur Tragedy and Redressal of Systemic Issues", for supporting a detailed assessment of the systemic issues, prevailing specifically in Kasur where a large number of cases of sexual abuse of children has been reported. Keeping in view the incident of rape and murder of child Zainab in Kasur and an overall plight of children, a meeting was convened by the Hon'ble Wafaqi Mohtasib Syed Tahir Shahbaz for discussing the future course of action so as to avoid their occurrence in future. This endeavour, for taking effective and sustainable steps to protect the rights of children, has the support and collaboration of UNICEF.

This project has been initiated under the lead of Syeda Viquar un Nisa Hashmi, Advisor, Wafaqi Mohtasib (Ombudsman)'s Secretariat. The team under the guidance of Mr. Ejaz Ahmed Qureshi, Senior Advisor/National Commissioner for Children and Ms. Hashmi, after conducting meetings with the victims and their families, has also completed the survey of the area. They have also had a number of focus group discussions with the notables of the area, district administration, representatives and other stakeholders so as to gain an in-depth knowledge of the cause. The team has already prepared a draft report and formally presented it to the Chairman and members of the "Task force on Kasur Tragedy", on 9th September, 2018. This will be followed by provisioning of practical support activities in terms of legal, psycho-social and medical to victims and their families. The report has been formally approved by the Task force, which have been presented to relevant stakeholders and media in a meeting cum press conference held on 26th September, 2018 at Lahore.

Federal Ombudsman Syed Tahir Shahbaz briefing media after launching report on 'Kasur Tragedy and Redressal of Systemic Issues' at Lahore on 26th September, 2018

Hon'ble President of Pakistan Upheld Almost All The Decisions of The Wafaqi Mohtasib

Under the law, the Wafaqi Mohtasib has the power to review any findings, recommendations, order or decision on a review petition made by an aggrieved party within 30 days of the Findings etc. Exercising this power is an important element of the operations of the office of the Wafaqi Mohtasib who may alter, modify amend or recall the earlier recommendations or decision. This provision in the law enables both the Agency as well as the complainant concerned to bring forward any fresh arguments and material in support of its/his claim and also facilitates the Wafaqi Mohtasib to have a fresh look at the issue and take a final decision after a dispassionate analysis of the situation.

The overall percentage of review petitions against findings of the Wafaqi Mohtasib remained very low, as usual. During the quarter, review petitions constituted only 41 Nos. of the total complaints.

Considering the importance and sensitivity of the review petitions, the Wafaqi Mohtasib personally hears all the review petitions with the assistance of an Associate Advisor. In order to make the findings against the review petitions comprehensive and all encompassing, adequate opportunities are afforded to both the complainants as well as the concerned Agencies. In some cases 2-3 hearings were held to reach a final decision. Administration accorded all assistance to the Review Branch to enable it to perform efficiently and effectively.

Consequently, the number of representations made to the Hon'ble President by either the Agency or the complainant, against the recommendations/decision of the Wafaqi Mohtasib, did not exceed 1% of the total review petitions decided by the Wafaqi Mohtasib. The accuracy, legality and legitimacy of the Findings of the Wafaqi Mohtasib in the context of review petitions can be gauged from the fact that the Hon'ble President upheld almost all the decisions of the Wafaqi Mohtasib.

Wafaqi Mohtasib Secretariat Islamabad Introduces Digitization

Digitization has been introduced in the Wafaqi Mohtasib Secretariat, Islamabad with the help of National Information Technology Board. Mr. Muhammad Asghar Chaudhary, Secretary, Wafaqi Mohtasib Secretariat, has shown his satisfaction over the implementation pace of such initiative. In today's era, e-governance is the foremost tool to promote efficiency and transparency in various public sector organizations for enhancing public service delivery.

FEBF&GI Paid Educational Stipend

Mr. Ghayasuddin filed a complaint against Federal Employees Benevolent Fund & Group Insurance for non-reimbursement of fee/educational stipend of his son who was studying in Engineering in UET, Peshawar. The Agency reported that the complainant wasn't making deduction of benevolent fund and group insurance, at the prescribed rates, due to which stipend had not been released to him. During hearing proceedings, the complainant presented a copy of the revised pay slip which showed deduction of benevolent fund and group insurance as per prescribed rates. Resultantly, the Agency issued a cheque of Rs.35,890/- to the complainant on account of educational stipend.

SLIC Asked to Pay Death Claim to Widow

A widow filed a complaint against State Life Insurance Corporation (SLIC) for not paying the death claim of her deceased husband Muhammad Asghar who had purchased a policy of Rs.220,000/- from SLIC in 2015. Her husband died in 2017 after paying two installments. She applied for payment of death claim but SLIC refused on the pretext that her husband concealed his illness prior to the purchase of policy. During hearing proceedings, the Agency failed to produce any documentary evidence, from any hospital, of his illness prior to purchase of policy. The Agency was, therefore, advised to pay full death insurance claim to the widow.

Ombudsman Presents Report Before The Apex Court on The Large Scale Encroachment of Botanical Garden and Unplanned/Unregistered Plazas in Bani Gala

Under the directions of the Apex Court dated 15th May, 2018, a committee was constituted under the chair of Federal Ombudsman of Pakistan. Earlier the Supreme Court of Pakistan had directed CDA to remove all illegal constructions. However, if a person had any dispute of his property i.e. his property did not fall within the limits of Korang Nullah, he/she could move an application to the Federal Ombudsman, who after making an inquiry would present report to the Supreme Court of Pakistan. In this regard, 14 applicants filed their applications to the Wafaqi Mohtasib.

The Federal Ombudsman directed CDA and ICT to carry out necessary survey of Korang Nullah and its Right of Way, of 200 feet on each side from the center and submit their report. The HWM also directed CDA & ICT to gather information about the aggrieved parties title and their alleged encroachments on the Nullah, if any. The Federal Ombudsman also requested the Surveyor General of Pakistan and Secretary, Irrigation department, Government of Punjab to assist him in determining actual land of the Nullah.

The committee & a special team of Wafaqi Mohtasib Secretariat after visiting the site of Nullah presented their report to the Wafaqi Mohtasib. According to the said report the applicants who had constructed their buildings on khasra Nos. 153,1164 had not purchased the said land hence their constructions were illegal. The report also showed that although the illegal constructions had narrowed the Nullah but CDA failed to take any action in this regard. The report also claimed that the sewerage/contaminated water of the whole area was being diverted into the Korang Nullah which ultimately opened into Rawal Dam, causing serious health problems.

The Federal Ombudsman recommended that as the present revenue record of Korang Nullah Mohra Noor was based on Masavi of 1956 and no update had been done by the Revenue Department, as per the Land Revenue Act, 1967, therefore, Revenue Department/ICT should update the said Masavi. It was also recommended that measures be taken for ensuring no further encroachment in the said area. The HWM also recommended that action must be taken to stop the waste and sewerage/contaminated water from going into Korang Nullah. For this it was proposed to treat the Korang Nullah water before its discharge into Rawal Dam.

Water treatment plant must be installed before entering of water into Rawal Dam

PHA Advised to Hand Over Possession of Apartments by End of September, 2018

Mr. Ameer Abbas and Muhammad Aslam filed complaints against Pakistan Housing Authority for causing delay in giving possession of executive apartments at Wafaqi Colony, Lahore. It was also pointed out that Rs.20/- per sq. ft. were being unlawfully demanded from them. According to complainants, the Agency had promised to hand over such possession to them in the first quarter of 2016, but, even after lapse of 30 months the Agency had failed to do so. The complainants also demanded Rs.50,000/- per month rent, from the Agency, for the period of delay.

PHA reported that delay was caused due to court stay orders, interference by local residents, delayed provision of electricity by LESCO, delayed removal of high tension wires by LESCO, sewerage disposal by WASA and installation of lifts. The Agency also reported that possession charges had been imposed in pursuance of the decision of BOD. The matter was examined in detail and the Agency was advised to hand over the possession by the end of September, 2018. The Ombudsman has also declared that it was totally unfair for the Agency to charge a possession fee of Rs.20/- per sq. ft. from the allottees as it was never a part of the agreement between PHA & the complainants.

Financial Assistance From Pakistan Bait-ul-Mal Released to 03 Poor Ladies on the Intervention of Wafaqi Mohtasib

Mst. Pathani Mai, Mst. Sumera Bibi and Mst. Irshad Bibi filed complaints that they were too poor and were unable to make both ends meet. They alleged that they had applied to the Managing Director, Pakistan Bait-ul-Mal for financial assistance but no action had been taken despite repeated visits to their office. This Secretariat asked the Agency for their comments. The Agency intimated that in the light of the verification reports, the cases of the complainants had been approved for financial assistance and assured release of the financial assistance within 30 days.

Ombudsman orders CDA for land acquisition of 'Park Enclave Project' at the earliest

Chairman CDA asked to take disciplinary action against the officers responsible for delay in the scheme

Mr. Faqir Gul filed a complaint against CDA, before the Federal Ombudsman, alleging delay in the development of Park Enclave Housing Scheme. He claimed that although CDA had grabbed money from the public through misleading advertisements yet after a lapse of 04 years even land acquisition of the said project had not been done.

CDA failed to file any comprehensive written reply and presented a poor stance during the said hearing proceedings. Therefore, on the basis of facts and circumstances, sheer mal-administration was found on the part of the agency.

The Ombudsman recommended that CDA must complete land acquisition process, of the scheme, within shortest possible time and also give a clear time frame for giving possession of plots to the allottees. The Hon'ble Ombudsman also recommended that an exit option be allowed to the affected allottees, by waiving off 10% deduction and refund the deposited amount with prevalent interest. The Ombudsman also recommended waiver of all delayed payment charges, on all plots of the affected allottees, till the possession of developed plots to the allottees. HWM has also asked Chairman CDA to take disciplinary action against the officers responsible for delay in the acquisition of land for the said project.

Federal Omudsman Syed Tahir Shahbaz hearing a review petition in his office.

Receipts and disposal of complaints during the quarter July - September 2018

S.No.	Agency	Receipt	Disposal
1.	Power Companies	9,160	8,182
2.	NADRA	1,100	1,122
3.	SNGPL - SSGCL	828	802
4.	Pakistan Post	1,384	1.669
5.	AIOU	206	204
6.	State Life Insurance Company (SLIC)	139	142
7.	Pakistan Railways	113	84
8.	Pakistan Bait ul Maal	140	78
9.	Employees Old Age Benefits Institution (EOBI)	110	138
10.	Banazir Income Supports Programme (BISP)	96	74
11.	Capital Development Authority (CDA)	77	70
12.	PTCL	61	58
13.	National Bank of Pakistan (NBP)	45	47
	Total of above 13 Agencies	**13,386**	**12,670**
	Remaining Agencies	**2,236**	**2,274**
	Grand Total	**15,622**	**14,944**

FEDERAL OMBUDSMAN

Wafaqi Mohtasib

The only Agency which provides prompt and free of cost justice to common man

Important Initiatives of Wafaqi Mohtasib

* Reports on jails and police stations with practical recommendations were formulated on Supreme Court's directive by the Wafaqi Mohtasib.
* Free eduction for children and women detainees have been arranged in several jails. Sweet homes have been set up in many prisons besides improvement in living conditions of women and children detainees.
* On the intervention of Wafaqi Mohtasib facilities to patients at PIMS have been upgraded and supply of essential drugs to inpatients ensured.
* On the recommendations of Wafaqi Mohtasib Drug Regulatory Authority of Pakistan has registered 3,000 essential and critical medicines.
* Wafaqi Mohtasib has resolved the long standing problems of pensioners and ensured timely processing and payment of pensions.
* Establishment of one window facilitation desk at 8 international airports of Pakistan for the Overseas Pakistanis and international passengers.
* On the recommendation of Wafaqi Mohtasib online passpot facility has been provided to the Overseas Pakistanis.
* Counselor access to Oversees Pakistani prisoners are now provided on Wafaqi Mohtasib's advice.
* Laws relating to Child Labour prepared and submitted to the Parliament.
* The Ministry of Communication notified National Road Safety Plan for National Highways and Motorways on the recommendations of Wafaqi Mohtasib.
* Reforms have ben introduced on Wafaqi Mohtasib's recommendations for improving the services of Passport Office, Pakistan Post Office, NADRA, State Life Insurance, Directorate of National Savings and EOBI, besides many other agencies.
* Laws relating to protection of transgender rights prepared and approved by the Parliament.

All cases are decided at Wafaqi Mohtasib within 60 days

Complaints could be filed through post, fax, website, email or personally

Our Regional Offices

- Lahore: Tele: 042-99201017-18 Fax: 042-99201021
- Karachi: Tele: 021-992021077-18 Fax: 021-99202121
- Peshawar Cantt: Phone/Fax: 091-9215571
- Quetta: Phone/Fax : 081-9202691
- Sukkur: Phone/Fax: 071-9310012
- Multan: Tele: 061-4424522 Fax: 061-9330027
- Faisalabad: Tele: 041-9201020 Fax: 041-9201021
- D I Khan Cantt: Phone/Fax: 0966-9280256
- Hyderabad: Tele: 022-9201603
- Abbottabad: Tele: 0992-931058
- Gujranwala: Phone/Fax: 055-99203839
- Bahawalpur: Phone/Fax: 062-9255612

For filing complaint neither lawyer nor any fee is required

Quick justice is your right and to provide the same is our responsibilty

For filing complaint please consult our website www.mohtasib.gov.pk

For further guidance and information contact our Help Line No.1055 during office hours

Wafaqi Mohtasib
36-Constitution Avenue, Sector G-5/2, Islamabad

Help Line for children complaint: 1056
Fax No. 051-9217224
Email: ombuds.adnanjadoon@gmail.com