

# **MATERIAL OF FEDERAL OMBUDSMAN FOR IMPLEMENTATION OF RIGHT TO ACCESS TO INFORMATION COMMITTEE**

## **a. Information available on Federal Ombudsman's Website**

### **Home**

1. Pictures of Wafaqi Mohtasib (Image Slider).
2. Message from Wafaqi Mohtasib (Ombudsman) of Pakistan.
3. Profile of Wafaqi Mohtasib and Secretary of Wafaqi Mohtasib Secretariat.
4. Help:
  - How to make a Complaint
  - Online Complaint
  - Overseas Pakistanis Grievance Commissioner
  - Download Complaint Form
  - Check Status of your Complaint
  - FAQ's
5. News Flash
6. Hearing during Next Week
7. Decisions during Last Week
8. Regional Offices (Address)
9. Quick Links
  - Federal Tax Ombudsman of Pakistan
  - Federal Insurance Ombudsman
  - Federal Ombudsman against Harassment of Women at Workplace
  - Provincial Ombudsman Sindh
  - Provincial Ombudsman Punjab
  - Provincial Ombudsman KPK
  - Mohtasib Office AJK
  - List of Secretaries (Wafaqi Mohtasib Secretariat)
  - Provincial Ombudsman Baluchistan
10. Important Links
  - Circulars/Notifications
  - What's New
11. Careers
12. Tenders/Public Notices

### **About us**

1. Vision & Mission
2. Aims & Objectives
3. Organogram

### **Legal Frame Work**

1. Wafaqi Mohtasib (Ombudsman's) (Investigation and Disposal of Complaints) Regulations 2013
2. Federal Ombudsmen Institutional Reforms Act, 2013
3. Establishment of the office of the Wafaqi Mohtasib (Ombudsman) Order 1983
4. Implementation for provision of affidavit.
5. President Order 1. 1983 (Urdu version).
6. Gazette of Pakistan (Urdu version)

## **Our Jurisdiction**

1. What we do
2. How we help

## **Complaints**

1. What we do
2. How we help
3. How to make a Complaint
4. Focal Persons Abroad
5. FAQ's

## **Special Initiatives**

1. Articles
2. Appreciations
3. Focal Persons/Liaison Officers Appointed in Federal Departments
4. Focal Persons of Federal Government Departments for Establishment of Pensioner's Cell and Facilitation Measures
5. Information Regarding POC
6. Latest Reports
7. Legal Opinion with Reference to SNGPL, SGCC And K-ELECTRIC
8. New Grant Competition 2017
9. Special Initiatives
10. Summaries

## **Media**

1. Press Clipping
2. Publications
  - Annual Reports (2004,2005,2006,2007,2008,2014,2015)
3. Picture Galleries
4. Tenders

## **NCC (National Commissioners for Children)/ CCO (children's Complaint Office)**

1. NCC (National Commissioner for Children) at a Glance
2. Progress

## **Contact us**

1. Head Office & Regional Offices

(Print of documents will be provided on demand)

**b. Information required to be uploaded on Website**

1. Detailed budget of the Public body, including proposed and actual expenditures, Original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget;
2. The methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contract details of the designated officials;
3. Such other matters which principal officer of the public body deems fit to be published in the public interest;
4. Camera footages at public places, wherever available, which have bearing on a crime.

**c. Information on legal aspects of Federal Ombudsman**

The Ministry of Law and Parliamentary Affairs (Law Division) vide their letter No. F.17(2)/83-Pub dated 24.01.1983 had established of the Office of Wafaqi Mohtasib (Ombudsman) Order No.1 of 1983, for early relief of the complainants who filed complaint in this Secretariat against the all Federal Government Departments called as Agency, who have not been resolved their grievances early and timely without any expenses. It extends to the whole of Pakistan. The Supreme Court, the Supreme Judicial Council, the Federal Court or a High Courts are excluded as amended vide Ordinance No.LXXII of 2002). This was further elaborated/extended that “Agency” means, the Agency defined in the relevant legislation and in relation to the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No.1 of 1983) shall include an Agency in which the Federal Government has any share or which has been licensed or registered by the Federal Government and n notified by the Federal Ombudsmen Institutional Reforms Act, 2013”. The main focus is on the mal-administration, failure or refusal to do so, for corrupt or improper motives such as, bribery, jobbery, favouritism, nepotism and administrative excesses and neglect, inattention, delay, incompetence, inefficiency and ineptitude in the administration or discharge of duties and responsibilities.

- i) Jurisdiction, functions and power of Mohtasib: The Mohtasib may, on a complaint by any aggrieved person, on a reference by the President, the Federal Council or the National Assembly, as the case may be, 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 any allegation of mal-administration on the part of any Agency or any of its officers or employees.
- ii) Provided that the Mohtasib shall not have any jurisdiction to investigate or inquire into any matters which:

- (a) Are sub-judice before a court of competent jurisdiction or 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 dealing of Pakistan with any foreign state or government; or
- (c) Relate to, or are connected with the defense of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matter covered by the laws relating to those forces.
- (d) The Mohtasib shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matter relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.
- (e) Procedure and evidence: A complaint shall be made on solemn affirmation or oath and in writing addressed to the Mohtasib 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 Mohtasib in person or sent by any other means of communication to the office.
- (f) No anonymous or pseudonymous complaints shall be entertained.
- (g) 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 Mohtasib may conduct any 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.
- (h) When the Mohtasib proposes 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 complain to have taken or authorized the action complained of a notice calling upon him to meet the allegations contained in the complaint including rebuttal;
- (i) Provided that the Mohtasib 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 Mohtasib.
- (j) Temporary Injunction:- The Ombudsman may stay operation of the impugned order or decision for a period not exceeding sixty days as (S-11 The Federal Ombudsmen Institutional Reforms Act, 2013).

- (k) Recommendations for Implementation. If after having considered a matter on his own motion, or on a complaint or on a reference by the President, the Federal Council or the National Assembly, or on a motion by the Supreme Court or a High Court, as the case may be, the Mohtasib is of the opinion that the matter considered amounts to mal-administration, he shall communicate his findings to the Agency concerned.
- (l) The Agency shall within such time as may be specified by the Mohtasib, inform him about the action on his recommendations or the reasons for not complying with the same. If after considering the reasons of the Agency in respect of his recommendations under clause (2) , the Wafaqi Mohtasib is satisfied that no case of mal-administration is made out he may alter, modify, amend or recall the recommendations made under clause ( Amended by ordinance No. LXXII of 2002).
- (m) Bar of jurisdiction: No court or authority shall have jurisdiction to entertain a matter which falls within the jurisdiction of an Ombudsman nor any court or authority shall assume jurisdiction in respect of any matter pending with or decided by an Ombudsman (S-18 The Federal Ombudsman Institution Reforms Act, 2013).
- (n) Representation: Any person aggrieved by a decision, order findings or recommendations of an Ombudsman may file representation to the President within thirty days of the decision, order, findings or recommendations. And the operation of the impugned order, decision, findings or recommendations shall remain suspended for period of sixty days, if the representation is made as per sub-section (1).
- (o) The representation shall be addressed directly to the President and not through any Ministry, Division or Department.
- (p) The representation shall be decided within ninety days (S-14 the Federal Ombudsmen Institutional Reforms Act, 2013).
- (q) Supply of copies:- The Ombudsman shall supply free of cost copies of the findings and recommendations to the parties within fifteen days of the decision (S-16 The Federal Ombudsmen Institutional Reforms Act, 2013).
- (r) Power to make rules:- The Federal Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act, 2013 (S-22 The Federal Ombudsmen Institutional Reforms Act, 2013).
- (s) Removal of difficulties: If any difficulty arises in giving effect to any provision of this Act, the President may make such Order, as may appear to him to be necessary or expedient for the purpose of removing the difficulty (S-23 The Federal Ombudsmen Institutional Reforms Act, 2013).