



ANNUAL REPORT

2007

OMBUDSMAN
SINDH, PAKISTAN

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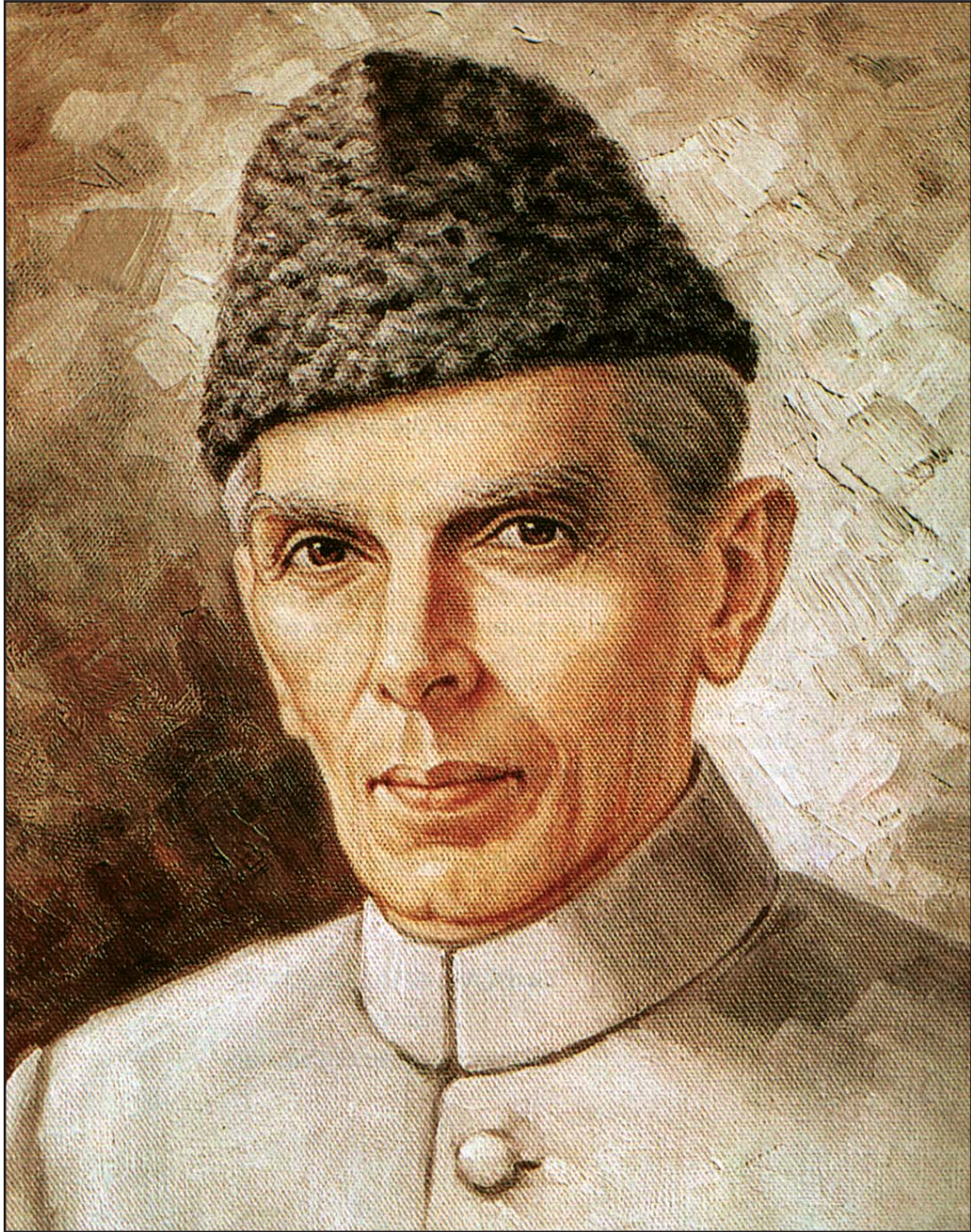
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

وَإِذَا حَكَّمْتُمْ بَيْنَ النَّاسِ
أَنْ تَحْكُمُوا بِالْعَدْلِ

جب لوگوں کے درمیان فیصلہ کرو،
تو انصاف کے ساتھ فیصلہ کرو

(النساء-۵۸)

that when you judge between men,
you judge with justice.



Quaid-e-Azam Muhammad Ali Jinnah
Founder of Pakistan



Dr. Ishrat Ul Ebad Khan
Governor, Sindh



Syed Qaim Ali Shah
Chief Minister, Sindh



Asad Ashraf Malik
Provincial Ombudsman, Sindh

ACKNOWLEDGEMENT

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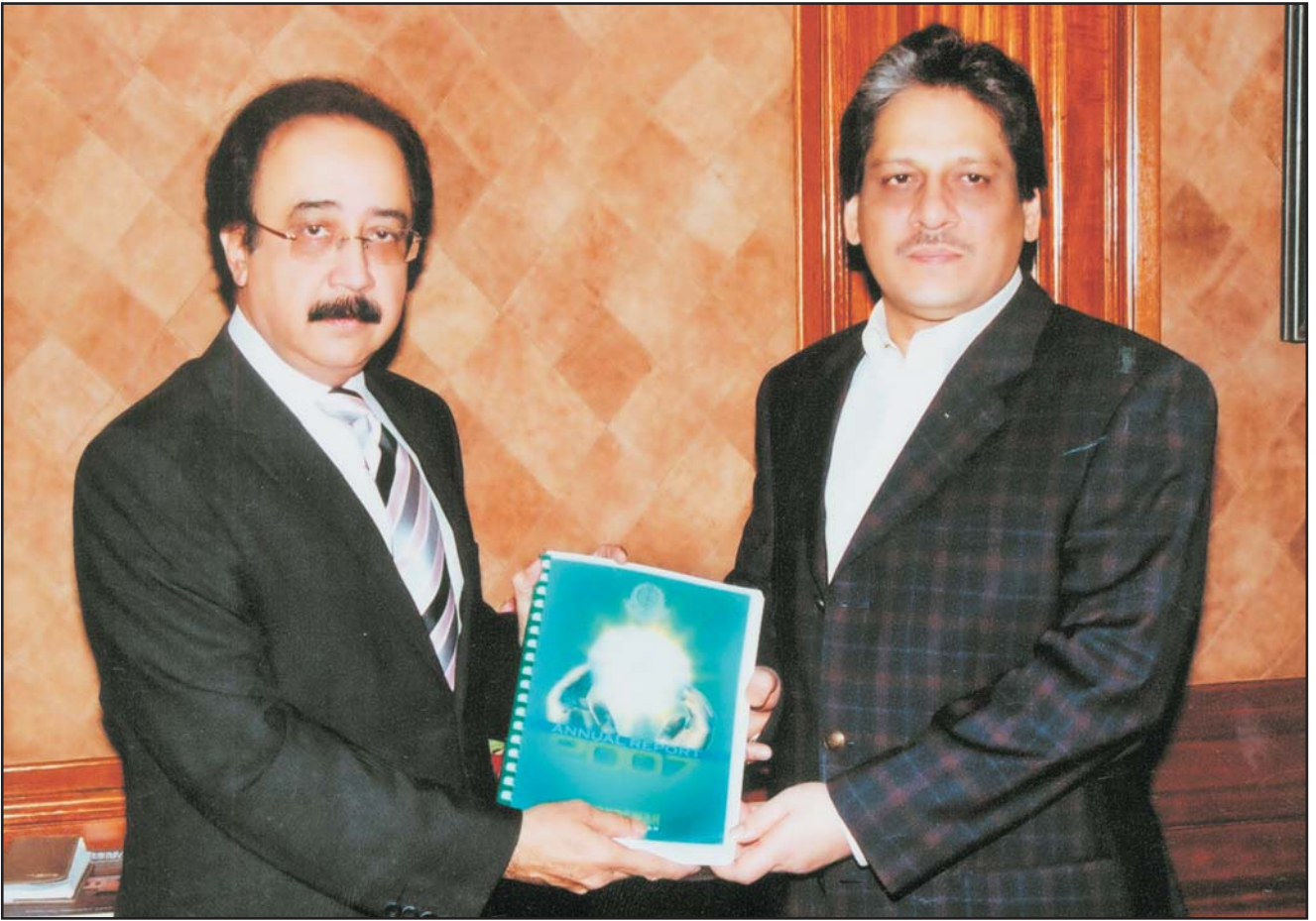
The team gratefully acknowledges the guidance provided by Mr. Asad Ashraf Malik, Provincial Ombudsman Sindh and the valuable input of Syed Abu Ahmed Akif, Director General-II, Office of the Ombudsman Sindh for his assistance in developing this report.

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Provincial Ombudsman Sindh Mr. Asad Ashraf Malik presenting Annual Report 2007
to Hon'ble Governor Sindh Dr. Ishrat Ul Ebad Khan

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Asad Ashraf Malik
Provincial Ombudsman
Sindh (Pakistan)

Dear

Mr. Governor,

I take this opportunity to express my profound gratitude to you for conferring upon me the honor and the opportunity to serve and protect the rights and interests of all citizens of Sindh from maladministration by provincial government authorities and fostering good public administration. I assure you and the people of this great province, that I will try my utmost to be an Ombudsman who listens with the people, feels with the people and serves the people.

Before moving further, I consider it inappropriate not to write about the legacy of my predecessor. The work done by Mr. Yousuf Jamal is self-evident. An evidence of his achievement is the vast expanding network of offices of Ombudsman Sindh which now comprise 13 regional offices, one each in every important district of the province; all of these were established during his tenure as he transformed your vision of justice at doorstep to people of Sindh. It was due to his endeavors that the people of the province now enjoy an easy access to Ombudsman of Sindh. Of course these developments would not have been possible without your leadership and guidance. I sincerely hope that with you as our solid supporter, the office of the Ombudsman Sindh will continue to grow and discharge its responsibilities with even greater commitment.

As you know, Ombudsmen provide external executive oversight over administrative conduct. Not being rigidly bound by laws of evidence and procedure, the offices of Ombudsmen provide administrative justice which is both a speedy and an inexpensive means for citizens to have their administrative grievances redressed. Citizens can simply submit a complaint as a letter, and nowadays even an e-mail, to start the proceedings with no lawyers or intermediaries being required. As far as possible, the process is kept simple and informal to facilitate the public. The working of Ombudsmen is, on the one hand, much cheaper and simpler than pursuing complaints through the courts and, on the other hand, it also reduces court workload.

Furthermore, while apparently Ombudsmen act to redress public grievances, they also acquire first-hand consumer information on the quality and effectiveness of public service delivery, and thereby gain invaluable empirical insight and data into the working of public bodies. The Ombudsmen thereby monitor and evaluate performance, set standards

for and suggest reforms to improve the responsiveness and quality of public services. Through their recommendations and reports like the present one Ombudsmen act as important drivers of reforms in public administration and administrative justice.

Finally, by redressing public grievances and checking 'maladministration'¹, Ombudsmen also provide accountability, ensuring that executives do not abuse their power and resources, and respond to citizen needs in a timely manner.

I am pleased to submit to you the Annual Report for the year 2007. This report being submitted to you comprises a summarized assessment of the work done by my predecessor in the year 2007. My tenure as Provincial Ombudsman commenced in January 2008. My efforts would be to continue the efforts done by my forerunner along with finding some more innovative and imaginative ways of increasing the efficiency of the Ombudsman of Sindh.

The laurels during the year under report have been attained due to a carefully devised plan of action in years 2005 and 2006 with attention focused not only on timely completion of investigation of complaints but also on creating awareness, increasing accessibility and reduction in turn around time.

An assortment of seminars, village assemblies, conferences and colloquiums were conducted last year to increase awareness amongst the citizens, to serve whom the office of Ombudsman Sindh exists. The heightened public awareness of the functions of the Ombudsman and increased media interest in the Ombudsman's decisions are expected to strengthen the authority of this office. It was on account of these efforts for increasing awareness that the number of complaints filed increased substantially in the year 2007 over those filed in the previous year.

Another accomplishment in the year under report was the upsurge in accessibility for aggrieved people. Undoubtedly with your support and interest, the office of the Ombudsman Sindh has successfully promoted the concept of "Regional Ombudsmen". In comparison with 1991 the foundation year of this Secretariat, when there was only a headquarter at Karachi dealing with the public matters, by 2008, by the Grace of God, the number of Regional Offices has progressively increased to 13 (two in Karachi and 11 in all important districts of interior Sindh). So we have successfully achieved the goal we set for ourselves for the precedent year. By doing so we increased our reach in interior Sindh. This has also done a lot in distributing the work load that was earlier concentrated at the headquarter. Now each case receives optimal reception.

Sir, as you have been gracious enough to accord the administrative approval for our expansion strategy, in the current year five more field offices are planned and these have been proposed at the following locations :

- i. Tando Allahyar
- ii. Jamshoro
- iii. Sanghar
- iv. Khairpur
- v. Ghotki

¹ In addition to the mal-administration model for the Ombudsmen, there are also the human rights and the corruption models

During the on-going year we are also going to launch our website, which will be a one-stop online complaint service. By accessing our website people would easily be able to file their complaints against any of the provincial government agency. It will be an online portal for the people to not only place their complaints on record immediately, but also to learn about the status of their case at any time. However, with internet access in Pakistan being rather limited, we propose to set up a toll-free call centre through which citizens would be able to lodge a free complaint. In order to improve our internal processes we intend to develop back-office software for maintaining a check on internal processes and developing a database.

For reducing the turn-around time a lot of stress has been given on the alternative dispute redressal mechanism. In accordance with the section 33 of the Sindh Act No.1 of 1992 the Ombudsman Sindh has been vested with powers to take action against the complaints of the aggrieved people without following any formalities. The number of cases resolved under this particular section has increased tremendously during the year under report. This particular section has been used without any fear or favor for the benefit of the people just to provide them speedy justice.

Sir, maladministration is not a new phenomenon nor does it relate to Pakistan alone. The menace is as old as human civilization and is worldwide. The losses caused by this malaise need no explanation. But it is a universally accepted fact that the ultimate victim of maladministration is the human dignity itself. Exertions at all levels are on to confront the menace of maladministration.

With mal-administration being so endemic and persistent, it is certain that “good administration requires much more than acting legally”². The Ombudsmen address administrative issues which cannot be taken cognizance by courts. In addition to challenging decisions, processes, recommendations, act of omission or commission, mal-administration includes the ubiquitous neglect, inattention, delay, incompetence, inefficiency and ineptitude in the discharge of duties and responsibilities for which bureaucracies are infamous³.

While it gives me a great pleasure to apprise you that the disposal of complaints by the Ombudsman Sindh has been increasing from year to year, and also that the office of the Ombudsman has achieved tremendous results, yet I realize that we have to go a long way. Not only is maladministration rampant but our capacity is also limited.

Fortunately, at the Federal level, the maladministration mandate has been expressly expanded by the Freedom of Information Ordinance 2002,⁴ which charges the Federal Ombudsman with receiving public complaints against refusals to provide information. Although, at present, there is no law providing freedom of information in Sindh, the Ombudsman has been able to facilitate information access by citizens because there can be no good governance without free information. Some time ago, the Punjab Ombudsman law review had recommended entering a freedom of information provision to empower the provincial ombudsman to address access to information complaints. The Local

² THE ASIA FOUNDATION, Pakistan Legal and Judicial Reform Project, Cluster Report, Volume II, p. 17.

³ Section 2(2), Establishment of the office of Wafaqi Mohtasib (Ombudsman) order 1983.

⁴ Section 19, Freedom of Information Ordinance 2002.

government Ordinance 2002 has already provided an access to information provision ⁵. Thus it is proposed that a similar provision be made in Sindh so that citizens' access to information is guaranteed with a view to lead them towards good governance.

Mr. Governor, although there are complex challenges ahead of us to curb the malady of maladministration, but I am confident that with your support and guidance we shall not only be able to maintain and exceed our current pace and shall provide speedy and inexpensive justice to the members of the public who have been subjected to unlawful and unreasonable practices by public functionaries.

I would like to set for my self "unrelenting-follow-up" as a new mid-term goal for 2008 onwards. This is vital to strengthen the implementations of the recommendations made for the grievance redress of the aggrieved people and to ensure the credibility of the investigation officers.

May Almighty Allah give me perseverance to help the aggrieved who come to us with a hope, which should never die.

With profound Regards,

Yours

Sincerely,



Asad Ashraf Malik

Hon'ble
Dr. Ishrat-ul-Ebad Khan
Governor of Sindh
Karachi

⁵ Section 137, Local Government Ordinance 2002.



Left to Right sitting

Mr. Shaukat Ali Shaikh (Consultant J), Mr. Ali Nawaz Bohio (Advisor A), Mr. Gul Muhammad Rind (Director General II), Mr. Ashfaqe Ahmed Memon (Secretary), Mr. K. Yousuf Jamal (Ombudsman Sindh), Mr. Mohammad Iqbal Diwan (Director General-I), Mr. Sayed Amir Ali Shah (Director General Adm Cord), Mr. Sayed Iqbal Hassan Rizvi (Advisor-B), Mr. Buxial Khan Gudaro (Regional-Director, Karachi East), Ms. Naila Masood (Consultant),

Left to Right Standing

Mr. Nazir Ahmed Qidwai (Consultant-F), Mr. Mohammad Imran Khan (Consultant T), Mr. Gul Hasan Solangi (Consultant S), Mr. Noor Nabi Dahari (Consultant Q), Mr. Ali Muhammad Rizvi (Consultant D), Mr. Abdul Sattar Memon (Fellow), Mr. Mohammad Akram Saeed (Director), Mr. Hassan Jani Rizvi (Media Analyst), Ms. Samina Mangi (Director), Ms. Shumaila Erum (Fellow)

Office of the Ombudsman Sindh

A Brief Introduction



Provincial Ombudsman, Sindh Offices



Head Quarter

EXISTING REGIONAL OFFICES

- ✓ Karachi Central
- ✓ Karachi East
- ✓ Hyderabad
- ✓ Badin
- ✓ Mirpurkhas
- ✓ Dadu
- ✓ Nawabshah
- ✓ Sukkur
- ✓ Larkana

NEW REGIONAL OFFICES

- ✓ Thatta,
- ✓ Naushahro Feroze } (Operational)
- ✓ Jacobabad } (To be operational soon)
- ✓ Mithi

PROPOSED REGIONAL OFFICES

- ✓ Ghokti
- ✓ Khairpur
- ✓ Tando Allahyar
- ✓ Sanghar
- ✓ Jamshoro

1. Office of the Ombudsman Sindh: A Brief Introduction

i. Introduction

The Office of the Ombudsman Sindh provides the citizens of the province a forum which enables them to have access to an independent, impartial and inexpensive dispute resolution mechanism which can resolve their grievances, protect their civil rights and restore their dignity.

To ensure effective and efficient dispensation of justice it is imperative that the Office of the Ombudsman Sindh is geared up to serve the people with commitment and dedication.

The parameters defined for the purpose have been crystallized in a three-pronged strategy, which is called the “AOA” or Awareness, Outreach and Accessibility strategy 2007.

- 1. Awareness: information about the Ombudsman services.**
- 2. Outreach: enhanced availability of Ombudsman services.**
- 3. Accessibility: convenient connection with Ombudsman services.**

In an effort to create awareness about the Ombudsman’s services, a multitude of channels of communications have been opened with the public especially through the print and electronic media.

Outreach of the Ombudsman’s services has been ensured through the opening of a network of offices throughout the province.

Accessibility to the Ombudsman’s services has been ensured through successive steps including:

- a) holding a series of seminars on issues of public interest.
- b) initiating a network with People’s Program.

The organizational objective and focus of all activities during the year were to make the Office of the Ombudsman Sindh a vibrant, proactive and result-oriented institution.



ii. Organizational Structure

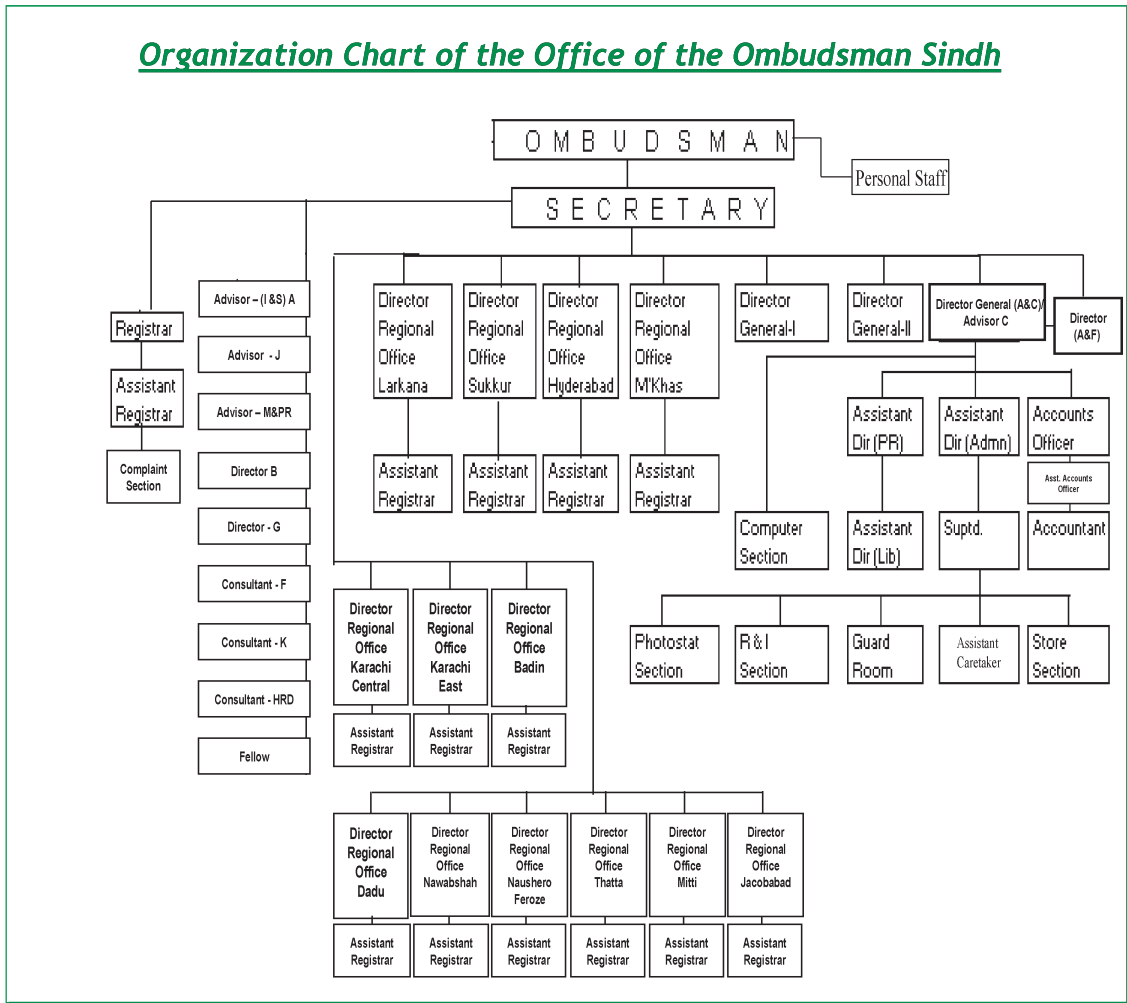
The Office of the Ombudsman Sindh was established on 25.09.1991. It has a workforce of 397 individuals with the top echelon comprising a Secretary, three Directors General, and fifteen Directors at the Headquarter and Regional Directorates. There are 13 Regional Offices spread all over the province, namely at Badin, Dadu, Hyderabad, Jacobabad, Karachi Central, Karachi East, Larkana, Mirpurkhas, Mithi, Naushero Feroze, Nawabshah, Sukkur, Thatta, with the head office at Karachi.

The Office of the Ombudsman Sindh has handled 118,334 cases to date. In the year under review, the efficiency levels achieved are summarized below:

No of cases received	7937
No of cases decided	2708
No of cases rejected	1044

The organogram of the Office of the Ombudsman Sindh is given below:

ORGANIZATION CHART

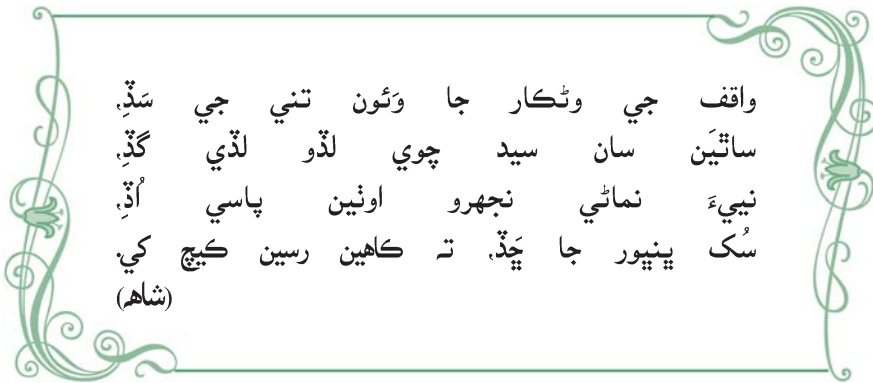


iii. Redress Against Maladministration: The Powers of the Ombudsman

The Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 empowers the Ombudsman, to act in aid of the people. Under the authority of the Act, the Ombudsman may:

- I. summon and enforce attendance of any person {*enjoying* civil court powers} and examine on oath, compel to produce documents, receive evidence on affidavits and issue summons for the examination of the witness.
- II. authorize to enter and search any premises and inspect any article, book of accounts or other documents.
- III. punish any person for its contempt having same powers, mutatis mutandis as that of honourable High Court.
- IV. require any person to furnish information on such points or matters as in the opinion of the Ombudsman may be useful for the investigation.
- V. award costs and compensation and refund of amount.
- VI. seek the assistance of any person or authority for the performance of his function.
- VII. take measures to curb maladministration including corrupt practices and graft.
- VIII. Informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint.

These powers have been given to ameliorate the grievances of the common man. The best way to achieve optimum amelioration was to make the Office of the Ombudsman Sindh most accessible to the public through systems and procedures that are simple to follow, and allow the public freedom in availing itself these facilities to seek redress of their problems.



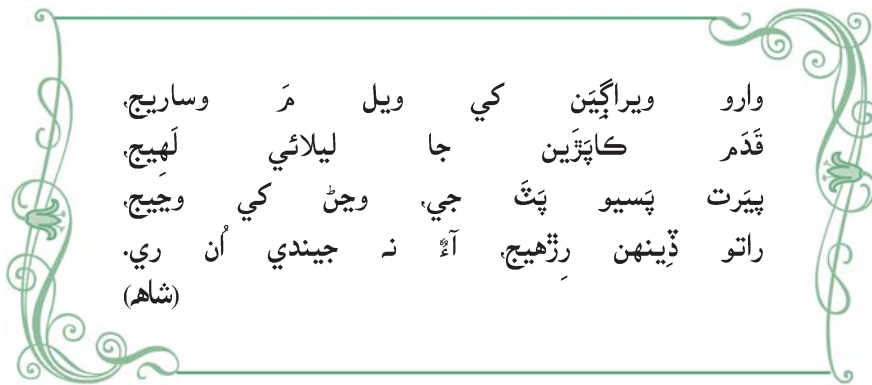
iv. What Ombudsman Can Do for You

The Establishment of the Office of Ombudsman for the Province of Sindh Act 1991, empowers the Ombudsman to act in aid of the people for redress of any administrative injustice having been caused to any person or against maladministration of any of the departments of government of Sindh, the local government organizations in the province of Sindh and any agency, corporation or authority working under government of Sindh. The grievances of any person which include individuals and organizations against any act of maladministration can be taken up for redress by the Ombudsman with least cost.

The Ombudsman can order

- Payment of service dues.
- Registration of FIR.
- Refund of amount against allotment of plot/flat/house.
- Payment of compensation by government agencies.
- Redress for retired public servants grievances regarding service matters.
- Redress of student complaints against Education department.
- Redress against use/misuse of residential areas for commercial purposes.
- Redress for revenue department problems.
- Redress against government servants misuse /abuse of administrative powers /maladministration.

The above-noted list of issues is a brief description of the problems that can be redressed by the office of the Ombudsman Sindh. The Office of the Ombudsman Sindh is a service-oriented organization with a strong commitment to alleviate the grievances of the common man.



v. **Complaints: Procedure and Process**

a) **How to make a Complaint.**

The Ombudsman aims to ensure accessibility to anyone who would like to file a complaint against public administration. To achieve the accessibility, the processing of the complaint is made simple as given below:

Complaints can be lodged through the following methods:

- By personally visiting the Ombudsman's Office/Regional offices.
- By sending a written complaint through mail to any of the offices.

In filing complaints, applicants must ensure that their applications include their names, addresses, requested remedies, and reasons for filing of complaints.

b) **How a complaint is handled:**

Step 1. Counseling & Admissibility

Counseling: is available at each Regional Office and Headquarter for guiding complainants.

Admissibility: once a complaint is received it is scrutinized for its eligibility for admission. After being found admissible the complaint is processed for inquiry.

Step 2. Inquiry

The inquiry involves seeking "agency's" response to the complaint and the complainant's rejoinder to the agency's response. This way enough information is collected, which is then evaluated and analyzed.

Step 3. Evaluation and Analysis of the Information

Evaluation and analysis of the information is initially carried out by examining the recorded/written material gathered through the complaint, response of the agency, rejoinder of the complainant and any other correspondence on record. Wherever clarification of certain issues demands personal hearing(s) are fixed by the investigating officer calling the complainant, the agency and any other person whose evidence is considered relevant to the issue, to reach a conclusion, and frame a set of recommendations for decision.

Step 4. Decision / Recommendation

Based on above three steps the investigation officer prepares a draft of the decision/recommendation for the consideration of Ombudsman Sindh.

Step 5. Final Decision /Recommendation

The Ombudsman having received such a draft may or may not agree with conclusion of the investigation. Upon agreement an order detailing the decision/recommendation is passed. In case of disagreement an order requiring further inquiry, clarification of some points or calling the parties for a hearing before the Ombudsman is passed so as to ensure that the administrative justice does not suffer from any lacunae or doubt.

c} Complaints that Cannot be Handled:

Those complaints which

1. have been **previously admitted** and processed, or decided upon.
2. are **subjudice**, that is those which have either already been adjudicated upon by a court of law or are pending adjudication before a court.
3. fall under the jurisdiction of **other ombudsmen** in the country.

are **time-barred** i.e. the complaint is filed after 90 days, unless the delay is condoned by the hon'ble Ombudsman

Know Thyself

By Alexander Pope

Know then thyself, presume not God to scan;
The proper study of mankind is Man.
Placed on this isthmus of a middle state,
A being darkly wise and rudely great:
With too much knowledge for the Sceptic side,
With too much weakness for the Stoic's pride,
He hangs between; in doubt to act or rest,
In doubt to deem himself a God or Beast,
In doubt his mind or body to prefer;
Born but to die, and reasoning but to err;
Alike in ignorance, his reason such
Whether he thinks too little or too much;
Chaos of thought and passion, all confused;
Still by himself abused, or disabused;
Created half to rise and half to fall;
Great lord of all things, yet a prey to all;
Sole judge of truth, in endless error hurled:
The glory, jest, and riddle of the world!

vi. Proposals and Efforts for Development of a Dynamic Organisation

The Ombudsman emphasized that measures should be adopted to streamline operations eradicating legal lacunae in order to create a dynamic, proactive and efficient organization. Hence a number of suggestions were made to amend the existing law governing this institution to make it more responsive to the needs of the people for effective redressal mechanism covering human rights abuses also.

The proposed amendments are given below:

Section 2 (1):

This section excludes the High Court from the definition of an “Agency” over which Ombudsman has jurisdiction but the position of the courts sub-ordinate to the High Court is not clearly defined. In the fitness of things, it is only proper that the courts subordinate to the High Court should also be likewise excluded and it is therefore suggested that at the end of Section 2 sub-clause 1, the following words may be added:- “and the Courts subordinate thereto”.

Section 9:

This section states that the Ombudsman may, on a complaint by any aggrieved person, on a reference by the Governor or the Provincial Assembly, or on a motion of the Supreme Court or the High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of maladministration on the part of any agency, or any of its officers or employees.

It is suggested that this section may be amended and the following words may be inserted after maladministration “violations of human rights sanctified by the Constitution of Pakistan and other laws”.

Section 9(1):

This section lays down the jurisdiction, functions and powers of the Ombudsman but it does not confer any power upon him to grant ad-interim relief. It is absolutely imperative that the Ombudsman should have power to grant ad-interim relief in the form of stay order and injunctions which powers he may use in the appropriate cases. There are situations in which irreparable damage may be caused to a complainant and his complaint may become infructuous and redundant if the Government or any other Agency is not restrained from doing the impugned act or the Government or any other Agency is not directed to do something. Such powers are available under order 39 rule 1 of Civil Procedure Code even to a Civil Judge Third Class who is the lowest rung of judicial hierarchy. The Ombudsman Act however omits to bestow such powers upon the Ombudsman. It is therefore proposed that the following new Section may be incorporated in the Act as Section 9-A:-

Proposed Addition In Section 9:

“9-A. The powers available to a Civil Court under Order 39 Rules 1 and 2 of the Code of Civil Procedure shall be available to the Ombudsman for passing stay orders restraining an Agency from doing anything adverse to the course of the case during the pendency of any investigation or until any specific date or until further orders”.

Section 10 (8):

This section lays down that the conduct of an 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 investigation. This Section was all right when the Ombudsman had no power to grant a stay order or injunction but now that Section 9-A has been proposed, which confers such powers upon the Ombudsman, it becomes necessary to add the following phrase at the end of Section 10(8):-

“.....except where the Ombudsman has passed ad-interim order under section 9(a) of the Act”.

Section 11:

In sections 11 and 12 and in many other sections as well, the decisions of the Ombudsman are referred to as “recommendations”. Now, in general parlance, a recommendation is not mandatory in nature and a person to whom a recommendation has been made is not bound to accept it. Similarly, the term “defiance of recommendations” (which is the title of ‘Section 12’, is, strictly speaking, a misnomer). A recommendation, by its very nature, may or may not be accepted and therefore there cannot be “defiance of recommendations”. Defiance can only be either of a decision, judgment, or an order. This anomaly is required to be rectified and it is suggested that the word “recommendation” wherever it appears in the Act, may be replaced by the word “Decision” or “Order”.

Section 11(2A) to be inserted, as amended and provided in the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 which is reproduced below:-

“2A. If after considering the reasons of the Agency in respect of his recommendation under clause (2), the Wafaqi Mohtasib is satisfied that no case of maladministration has been made out, he may alter, modify, amend or recall the recommendations (decision or order) made under clause (1):

“Provided that where the order is made on a complaint, no order shall be passed unless the complainant has been given an opportunity of being heard.”

N.B The word ‘Ombudsman’ would come in place of ‘Wafaqi Mohtasib’.

Section 13:

This Section provides that when any person is guilty of an allegation as referred to in Section 9(1) of the Act, the Ombudsman may refer the case to the concerned authorities for appropriate corrective or disciplinary action and if the “concerned authorities” do not take the action as recommended by the Ombudsman, the Ombudsman may bring the matter to the notice of the Governor who may take whatever action he may deem fit

under the circumstances. Apart from bringing the matter to the notice of the Governor, the Ombudsman may also be empowered to take action under section 16 of the Act. As such, it is suggested that after the clause “if no information is received within this period the Ombudsman may”, the following clause may be added:-

“either initiate action as may be necessary in exercise of powers vested in him as provided hereafter under section 16 of this Act or.....”

Section 16:

This Section provides for the initiation of proceedings against a contemnor and lays down four circumstances [vide clause (a) to (d)] under which such proceedings can be taken. However, non-compliance with the decision of the Ombudsman is not covered by any of the above noted four clauses. It is therefore suggested that the following new clause (e) be added to Section 16:-

Proposed Addition In Section 16:

“(e) does not comply with the decision/order of the Ombudsman without any cogent reason.

Breathes there the man...

Sir Walter Scott

Breathes there the man, with soul so dead,
Who never to himself hath said,
This is my own, my native land!
Whose heart hath ne'er within him burn'd,
As home his footsteps he hath turn'd,
From wandering on a foreign strand!
If such there breathe, go, mark him well;
For him no Minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as wish can claim;
Despite those titles, power, and pelf,
Living, shall forfeit fair renown,
And, doubly dying, shall go down
To the vile dust, from whence he sprung,
Unwept, unhonor'd, and unsung.

2- Initiatives Taken During the Year 2007

i} Informal Dispute Resolution {Sec 33}

The objective of the ombudsman system is to safeguard the rights and interests of the people against maladministration of government functionaries. The rights and interests of a majority of the people can best be served when the legal and legislative frameworks in the province are designed to be pro-people adhere to the concerns of justice, provide an effective mechanism for the redress of grievances and protect against maladministration and abuse of authority.

The strategy 2007 envisioned by the Ombudsman Sindh Mr. K.Yousaf Jamal was to adopt a proactive approach towards solving the problems of the people, focusing on redress of the grievances of the public at minimum cost and with optimal use of time. Thus the emphasis of the Office of the Ombudsman Sindh was to eliminate red-tapism and provide administrative justice in minimum possible time. The reduction in turn-around time was the focus of the program.

The law provides a mechanism for speedy and inexpensive justice through a unique provision of “Informal Dispute Resolution” under section 33 of the Sindh Act No.1 of 1992, which provides:

“Notwithstanding any thing contained in this Act 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 an official notice.”

The clause was always there in the Act, but was not actively pursued in the past. The emphasis was on active and quick decision- making so as to ameliorate the grievances of the people. The statistics given below speak for themselves.

Period	No of Cases under {sec33}
1991-2003	77
2005	31
2006	13
2007	53



ii. Organizational Strengthening –AJP Assistance

In 2006 the necessity of institutional strengthening of the Office of the Ombudsman Sindh was highlighted through an internal analysis. Accordingly, it was decided to achieve such strength through collaboration with organizations of international repute. Technical assistance to improve the system procedures and operations was sought from international donor agencies.

As a result the Ombudsman entered into a partnership with Asian Development Bank under its Access to Justice Program (AJP) launched through the Ministry of Law, Justice and Human Rights, Government of Pakistan.

As a result of this collaboration, the Asian Development Bank, committed an amount of Rs. 21.935 million to fund a reform package which included computerization of all reporting functions as well as creating a website and portals for complaint handling, technical expertise for improving systems and procedures, and trainings for human resource development, besides providing assistance for hardware such as vehicles, machinery and office equipment. The fund utilization position of the loan may be seen on page no.

Encouraged by the results of the program, the bank has committed an additional amount of Rs7.60million for the year 2008-9, and Rs.7.60 million for the year 2009-10 for further improvement in the working condition of the Office of the Ombudsman Sindh.

The Monitoring and Evaluation System

The monitoring and evaluation system designed in 2006 was put into operation as a pilot project. However the results required documentation and exhibited a need for a proper operational manual, which has been designed and is being reviewed for implementation.

Training

Need assessments have been carried out in association with National Institute of Management (NIM) and other training consultants for all tiers i.e. Regional Directors/Investigation Officers and their staff members, Registrars, Assistant Registrars, Assistants, Computer Operators and clerks.

While determining the training needs of various tiers their job descriptions were reviewed and redefined keeping in view both the normative and the actual assignments of each functionary.

An extensive program is being prepared by Dr. Masooma Hasan, an expert on human resource management, ex-Director, National Institute of Public Administration (NIPA), Karachi and former Federal Secretary, the consultant who has been assigned this job.

The Office of the Ombudsman Sindh has already launched an on-the-job training program through its own resource personnel for Assistants, Clerks, and Office Superintendents.

Proactive Approach

The assistance by the Asian Development Bank (ADB) under the Access to Justice Program (AJP) has been multi-dimensional; it is supporting the Office of the Ombudsman Sindh in improving the monitoring and evaluation system, one aspect of which is to improve its public service message methodologies, through distribution of pamphlets and brochures, which facilitate the public by providing information about its functions and services which may enable them to get their grievances redressed.

User Friendly Approach:

The proposal to compile volumes on the pattern of legal decisions compilations (like PLD) is under implementation. The exercise is cumbersome since it involves, study, assessment and compilation of approximately 24,000 cases. It is hoped that these books will be compiled over the next one or two years and will be made available for the use of the investigation officers of the Office of the Ombudsman Sindh, other concerned government functionaries and members of the general public.

Ode to the West Wind

Make me thy lyre, ev'n as the forest is:
What if my leaves are falling like its own!
The tumult of thy mighty harmonies
Will take from both a deep autumnal tone,
Sweet though in sadness. Be thou, Spirit Fierce,
My spirit! Be thou me, impetuous one!
Drive my dead thoughts over the universe,
Like wither'd leaves, to quicken a new birth;
And, by the incantation of this verse,
Scatter, as from an unextinguish'd hearth
Ashes and sparks, my words among mankind!
Be through my lips to unawaken'd earth
The trumpet of a prophecy! O Wind,
If Winter comes, can Spring be far behind?

Shelley

**STATUS / PROGRESS REPORT OF NON-DEVELOPMENT SCHEMES, ACCESS TO JUSTICE PROGRAMME
OFFICE OF THE OMBUDSMAN SINDH**

(RUPEES IN MILLION)

S. NO.	NAME OF SCHEMES / WHEN APPROVED NO. & DATE	APPROVED COST (REVENUE)	TOTAL EXPENDITURE up to the month of March 2008	% Utilization	Purpose/Details
1	2	3	4	5	6
1	"Strengthening and streamlining the Office of the Ombudsman Sindh"(Ongoing Scheme)				
2	Originally the scheme was approved on 31-3-2003 and revised on 11-06-2004 and finally re-revised / approved vide No SO(DEV)-PDWP-9/51-P&D/2006 dated 30-01-2006 and thereafter approved revised PC-I Rs.10.00 m. vide P&D letter No.1/322 PO(Inf/EPR)/2004 dated May 29, 2007.	10.00	-		Funds had been fully released by the Finance Dept. govt. of Sindh during the fiscal year 2006.07
a)	Machinery & Equipment	2.442	2.413	99%	Server P-III (1), laptop (1), printer (laser jet (6), scanner (4), multimedia projector (1), photo copier machine (4), UPS (6), stabilizer (3), digital camera (1), PABX system (1), computers P-IV, (10) ceiling fans (8), bracket fans (2), refrigerator 2 cubic feet (2), Honda petrol generator (4), split A.C (4), printer (laser jet HP) (5), TOA delegate unit (6), fax plain paper (1 ream)
b)	Vehicles	6.378	6.320	99%	Toyota Corolla 1300 cc (1), Suzuki Cultus (9), Motorcycle Honda 70 cc (6), funds have been almost utilized, an amount of Rs. 6,110/- is available in balance during CFY 2007-08 and the said remaining balance/un-utilized funds would be revaluated for their utilization (to purchase a bicycle) during CFY 2008-09
c)	Training & Seminars	1.000	1.000	100%	Details of the seminars and training workshops are included in the annual report.
d)	Revenue (Networking)	0.180	0.180	100%	Networking and installation charges, internet connection charges, papers, printer cartridges, maintenance and service charges,
	TOTAL	10.000	9.913	99%	

**STATUS / PROGRESS REPORT OF NON-DEVELOPMENT SCHEMES, ACCESS TO JUSTICE PROGRAMME
OFFICE OF THE OMBUDSMAN SINDH**

S. NO.	NAME OF SCHEME / WHEN APPROVED NO. & DATE	APPROVED COST (REVENUE)	TOTAL EXPENDITURE up to the month of March 2008	% Utilization	PURPOSE/DETAILS	(RUPEES IN MILLION)	
						3	4
1	2			5	6		
1	"Strengthening and streamlining the Office of the Ombudsman Sindh for establishment of the regional offices in district Malir (East and Central), Karachi and at districts Badin, Dadu and Nawabshah" (Ongoing Scheme)						
2	Originally the scheme was approved on May 02, 2006 in the PPRC meeting approved vide letter S.JUDL-9-598(P-IV) dated 12th May 2006 and thereafter approved Revised PC-I Rs.11,935 m. vide P&D letter No.1/322 PQ(Ind/EPR)/2004 dated May 29, 2007.	11.935					
a)	Machinery & Equipment	3.633	3.272	90%	Server P-IV (1), Scammer (5), Computers P-IV (20), Printer Laser Jet (15), Photo Copier Machine (Powder) (6), Honda Petrol Generator 2 K.V.A (1), UPS (10), Stabilizer (10), Digital Camera (1), Split Air Conditioner (8), Electric Water Cooler with filter and installation charges (5).		
b)	Vehicles	4.426	4.426	100%	Suzuki Cultus (5), Suzuki A.P.V (1), Suzuki Pick up (1), Motorcycle 70 cc (2)		
c)	Capacity Building / Human Resources Development Training Updates	1.000	0.573	57%	Overseas study tour to Malaysia by four officials of the office		
d)	Training (Local /Overseas) Seminar, Overseas Studies Tours, Conference and Seminars	1.000	1.000	100%	Details of the seminars and training workshop is included in the Annual Report		
e)	Networking & Development	1.876	0.474	25%	Networking & Installation Charges of Headquarter and Regional Offices, Internet connection charges, Floppies, CDs, Printer Cartridges, Maintenance and Service charges of computers, Website Development, Software Development		
	TOTAL	11.935	9.745	82%			

iii. Public Awareness Programs

Seminars:

a. Convention of Sadique Foundation at Village Mohammed Sadique Memon, Dist. Tando Allahyar

A Convention of Sadique Foundation was held at the village Mohammed Sadique Memon, District Tando Allahyar on 20th February 2007.

The seminar was attended by almost 4000 people including eminent educationists, scholars, NGOs, public representatives and students. Amongst the prominent scholars were Prof. Dr. Ghulam Qadir Kazi, Vice Chancellor ISRA University, Prof. Dr. Abdul Wahab, Vice Chancellor Jinnah University, Karachi, Dr. Khursheed Memon, Vice Chairperson Sadique Foundation, Mr. Abdul Ghaffar Saboonwala, Secretary General, United Memon Jamaat of Pakistan, Ms. Rahila Gul Magsi, District Nazim, Maulana Mazhar of Akhtar Trust and Mr. Khair Mohammed Khokar, Taluka Nazim. Mr. Kishanchand Parwani, Advisor to Chief Minister Sindh who represented the Sindh Chief Minister was the chief guest on the occasion and Ombudsman Sindh Mr. K. Yousuf Jamal presided over the function.

The main objective of the seminar was to encourage, offer support and share information with the eminent educationists in the province. The problems being faced by the educational institutions in the province and the role of Ombudsman were among the main topics of discussions with a view to reach suitable solutions to these problems.

Speaking on the occasion, Ombudsman Sindh, K. Yousuf Jamal laid emphasis on the cooperation of all the departments of the Government of Sindh for the promotion of education in the province.

Ombudsman Sindh stressed that education plays a vital role in nation building and that the present global village had created a number challenges for every one of us. Unless we followed the essential principle of merit as well as equal access to opportunities we would find ourselves nowhere.

Emphasizing the importance of education Ombudsman Sindh said that people from all walks of society should realize the importance of education and should participate in saving the future of our younger generation so as to enable them to face new challenges.

At the end of the convention Ombudsman Sindh also announced scholarships for 30 deserving students on behalf of the Office of the Ombudsman Sindh.



b. Seminar on “Speedy Justice” Badin

A one-day seminar entitled *Speedy Justice* was held at Badin after the inauguration of the Regional Directorate.

Senior representatives from the public and the private sectors as well as people from a cross-section of the society attended the seminar to discuss the prospect of providing speedy justice to aggrieved people.

The distinguished speakers on the occasion were Secretary to Ombudsman Sindh, Mr. Ashfaq Ahmed Memon, Mr. Ghulam Murtaza Memon, Special Assistant to Sindh Chief Minister, Prof. Abdullah Mallah, Prof. Mohammed Hayat, Prof. Ashfaq Ahmed Siddiqui, Mr. Ali Anwar Halipota, Zila Nazim, Dr. Sikandar Ali Mandhro, MPA, Pir Amjad Ali Shah Siddiqui and Mr. Abdul Sattar Memon, Regional Director, Provincial Ombudsman Sindh. The speakers emphasized that the redress of grievances and getting positive and quick response of the government agencies should be the priority of the Ombudsman Sindh.

Speaking on the occasion Ombudsman Sindh, K. Yousuf Jamal expressed the opinion that people were losing their trust in government. He said that corruption, political interference and nepotism have eroded the functioning of the government and its agencies creating rampant maladministration, and that such elements had to be curbed by the Offices of the Ombudsman Sindh for effecting affordable redress to the people.

It was the consensus of the participants that concrete steps will have to be taken especially at the local level to give the downtrodden people a ray of hope and that all members of the civil society were responsible for this despair and frustration among the people. It was hoped that the people of district Badin would benefit from the establishment of the regional office of Ombudsman Sindh in having their problems resolved through speedy justice.

Ombudsman Sindh threw light on the issues of environmental pollution in the district and said that potable water was not being provided to the common people due to the lack of check on the concerned government departments. He emphasized that the Regional Directorate of the Ombudsman Sindh will look into the matter on a priority basis to ensure the availability of potable water for everyone in the district. Ombudsman Sindh also stressed upon improvement of the standard of education in the district.

It was informed that people could submit their hand written complaints on a piece of paper to the Regional Director, Ombudsman Office, Badin and that their grievance would be redressed within a period of two months.

Elaborating upon the causes of injustice the participants emphasized that one of the major causes for underdevelopment and growth of unrest amongst the people was the lack of awareness about their rights.

In conclusion Ombudsman Sindh lauded the efforts of the Office of the Ombudsman Sindh for the establishment of the Regional Directorate.



ریجنل دفتر کے قیام سے عوامی مسائل حل ہونگے، صوبائی مکتب سندھ

مکتب یو (نمائندہ کائنات) صوبائی مکتب سندھ
یوسف جمال نے کہا ہے کہ مکتب کے ریجنل دفتر کے قیام
سے صوبہ سندھ کے عوام کے نہ صرف مسائل حل ہونگے
بلکہ انہیں فوری انصاف ملے گا، انہوں نے کہا کہ ہم چاہتے
ہیں کہ عظیم عوام کی داد اسی جاتے ریجنل ریجنل دفتر کا
قیام اس کوششوں کا حصہ ہیں انہوں نے کہا کہ سندھ میں
شرح خواندگی کم ہے اساتذہ بقیہ نمبر 99 صفحہ 7 پر

عزائم ڈیپنٹیاں ادا نہیں کر کے حکومت تعلیم کے شعبے پر کراؤں
لاہے فرج کر رہے ہیں ہاتھوں نے کہا کہ ملک میں قانون موجود
ہے مگر قانون پر عمل درآمد کرنے کی ضرورت ہے

c. Eid-Milad-un-Nabi (PBUH), Karachi

An annual event at the Office of the Ombudsman Sindh initiated by the Ombudsman Mr.K.Yousaf Jamal is the celebration of *Eid-Milad-un-Nabi* (PBUH) in a befitting manner.

Ombudsman Sindh Mr.K.Yousaf Jamal in his welcome address communicated that the purpose of holding the commemorative event was to provide guidance for the character building of the people, particularly the officers and officials of the Office of the Ombudsman Sindh. The function was well attended. All the officers and staff of the Office of the Ombudsman Sindh participated in it.

In the year under review, *Eid-Milad-un-Nabi* (PBUH) was held on April 05, 2007. Maulana Tanveer-ul-Haq Thanvi was the chief guest. While speaking on the life and the message of the Holy Prophet (PBUH), he emphasized that with *taqwa* we must also exercise courage. Elaborating on the concept of *taqwa* he said:

“Taqwa is the sense of moral responsibility of a person based on the values of God-consciousness revealed to us in the Qur’an. The values, which lead to *taqwa*, can be different from one’s own cultural values. Allah has promised to honour the people with *taqwa* in the life of this world and hereafter. *Taqwa* is one of the values which God has laid emphasis. In the social context in the overall scenario of a civil society, *taqwa* can inspire a type of social behaviour, which may lead a person towards the following actions and characteristics.

- To be incorruptible.
- To be generous towards those who need our help particularly the orphans, poor, indigents, those who are under chronic debt and those who have lost their source of livelihood.
- To be kind to parents and human beings in general.
- To regard all human beings as creations of God, and not to discriminate on the basis of colour or caste or gender.
- To imbibe a deep sense of accountability towards God.
- To remain steadfast in physical or emotional stress.
- To lead a transparent life in which there is nothing whatever to hide from others.

All the above human traits, if developed, would eliminate not only maladministration but would ensure a just and equitable society.



d. Seminar on “Dissemination of Justice and the Role of Ombudsman in Pakistan”-Karachi

A seminar entitled *Dissemination of Justice and the Role of Ombudsman in Pakistan* was organized by the Office of the Ombudsman Sindh in collaboration with the Political Science Department, Quality Enhancement Cell, University of Karachi and Higher Education Commission (HEC) in the Arts Auditorium of University of Karachi.

The seminar was attended by dignitaries, scholars, teachers and a large number of students of the university. The focus of the seminar was to create awareness amongst the students of one of the largest Universities of Pakistan.

In his keynote address Ombudsman Sindh, Mr. K. Yousuf Jamal explained to the audience that one could never over-emphasize the paramount importance of creating awareness about the diversity and magnitude of various evils eroding the social fabric. Explaining the efficacy of the Office of the Ombudsman Sindh, he said that Office of the Ombudsman Sindh was working on a grievance-redress mechanism (GRM) with a new reform objective of expanding the outreach of Ombudsman to make justice available and accessible to all the people with a reduced processing time and higher percentage of decision-compliance. The percentage of the Ombudsman’s decisions which were complied with was about 70 per cent. The audience was informed that the Office of the Ombudsman Sindh was relentlessly pursuing the objectives laid in its mission statement, especially the grievance redress-mechanism based on the following components:

- a) expanding the outreach of the Ombudsman’s office
- b) increasing the Office of the Ombudsman Sindh’s credibility by ensuring a higher percentage of decision-compliance, and
- c) impacting reduction in processing time

Referring to the out-reach program he thanked the Governor Sindh for his full support and cooperation. He informed the audiences that in July 2004, five more Regional Directorates of the Ombudsman Sindh were approved, which had been made operational, increasing the number of regional offices to nine i.e. at Badin, Dadu, Hyderabad, Karachi Central, Karachi East, Larkana, Mirpurkhas, Nawabshah and Sukkur. Additionally four more Regional Directorates were planned for 2007-2008 and would be established at Jacobabad, Mithi, Naushero Feroze and Thatta.

It was also explained that any aggrieved citizen/resident of Sindh could file his/her complaint in any Regional Directorate of his or her choice. He said that with this increased number of the offices, the Office of the Ombudsman Sindh would be able to extend access to justice to the people of the province in all the districts in the next two years. Highlighting the credibility of the Office of the Ombudsman Sindh, Mr. K. Yousuf Jamal pointed out that lone act of setting up new offices did not, by itself, mean much. The aggrieved would come to our offices only if they have a clear perception that the just and legitimate redress of their complaints was possible through intervention of the Office of the Ombudsman Sindh. This would require that government functionaries both at the provincial and the local level are constantly reminded that compliance with

the directives of the Ombudsman was mandatory. He said that it is not merely some of the officials in the lower echelons of the government who need to be sensitized in this direction but quite a few senior functionaries in the hierarchy also needed to learn to be more responsive to the imperatives of public service.



He asked the students to tell their parents, relatives, friends and fellows about the working of the Office of the Ombudsman Sindh, as massive efforts were required to create awareness among the masses and everyone had to play his or her role in helping the message reach the people who need it.

The chief guest on the occasion was Sindh Minister for Planning & Development, Syed Shoaib Ahmed Bukhari. In his speech he said that the basic principle of the Ombudsman was that there should be an institution which should come to the rescue of those who were wronged. He said that the removal of the problems of the wronged persons was justice and that society as a whole had to play a vital role in this connection.



e. Hasrat Mohani Conference-Karachi

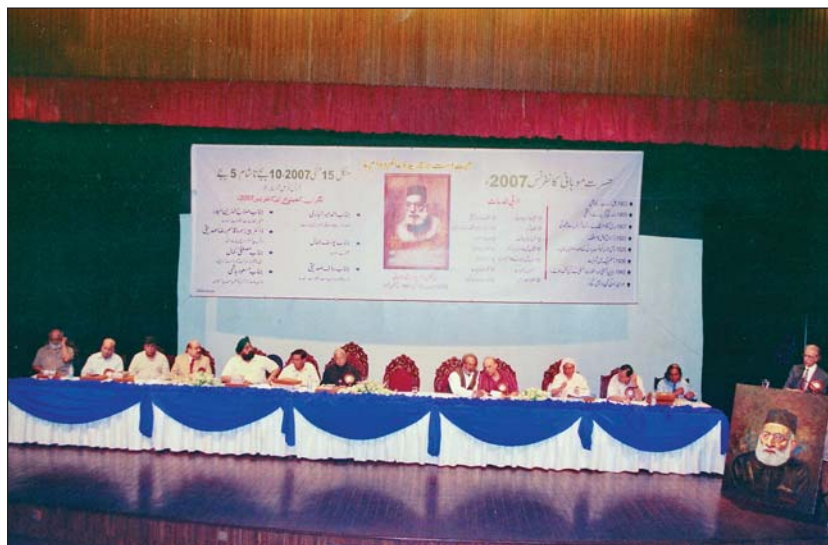
In order to promote awareness about the Office of the Ombudsman Sindh through literary activities involving people of intellect and wisdom the Ombudsman Sindh Mr. K.Yousaf Jamal, initiated interaction with the literati and the intelligentsia of the country. According to him *literature in itself plays the role of a Mohtasib (Ombudsman) in society.*

In pursuing this methodology, Hasrat Mohani Conference was organized to commemorate the 56th death anniversary of the great poet and freedom fighter on May 15, 2007. It was a lively affair with poets from India also participating. The conference was organized by the Office of the Ombudsman Sindh, the Ministry of Culture, Ministry of Information, University of Karachi, Hasrat Mohani Trust and City District Government Karachi. The conference was called the “**Indo-Pak Hasrat Mohani Conference 2007**”, the prominent speakers on the occasion were Dr. Gopichand Narang, Dr. Khaleeq Anjum, Mr. Kushbeer Singh Shad, Ms. Nuzhat Fatima, Dr. Pirzada Qasim Raza Siddiqui, Dr. Muhammad Ali Siddiqui, Mr. Mahmood Sham, Mr. Asghar Nadeem Syed, Mr. Salahuddin Haider, Ms. Raees Fatima, Ms. Romisa Mohani, and the Ombudsman Sindh Mr.K.Yousuf Jamal.

Dr. Gopichand Narang, while paying homage to the poet and freedom fighter, “Raees-ul-Ahrar” late Maulana Hasrat Mohani said that as a political leader he was senior to both Mr. M.A. Jinnah and Mr. K. Gandhi. In the freedom movement of the sub-continent he persuaded Gandhi on more than one occasion to change his stance including that of the civil disobedience. His theory for total independence also proposed guerilla warfare to achieve the end. He said that Hasrat’s poetic legacy was second to none; it was a grave injustice that as a great poet of resistance as Hasrat had been ignored by many critics of the day.

Dr. Khaleeq Anjum Secretary Anjuman-e-Taraqqui Urdu, India shared with the audience various incidents of Hasrat Mohani’s life. Dr. Muhammad Ali Siddiqui spoke about the political wisdom, and poetic brilliance of Hasrat. Mr. Mahmood Sham, a senior journalist suggested extensive research should be carried out on his life and works. Dr. Pirzada Qasim Raza Siddiqui, Vice Chancellor, University of Karachi eulogized the services of Hasrat Mohani, and announced the creation of a chair in Hasrat’s honour at the University of Karachi.

Ombudsman Sindh, Mr.K.Yousuf Jamal expressing his views eulogized Hasrat Mohani as a very high towering personality of his time, yet sadly he was neglected by his contemporaries as well as by the scholars who had followed. A realistic assessment of his work and his contribution was requested to be made by research scholars. He appreciated the idea of a chair in his honour being established at the University of Karachi.



f. Seminar on “Education & Role of Civil Society”-Sukkur

A seminar entitled *Education and the Role of Civil Society* was conducted by the Regional Directorate (Sukkur) of Provincial Ombudsman Sindh on June 09, 2007. The seminar was presided by the Ombudsman Sindh Mr. K. Yousuf Jamal.

The seminar was attended by the distinguished persons from education and civil society. The chief guest on the occasion was Dr. Suhrah Ahmed Saraki, Sindh Minister for Inter Provincial Coordination.

Expressing their views on the occasion, Dr. Mehboob Ali Shaikh, Chairman, Board of the Intermediate and Secondary Education, Mr. Ashfaque Ahmed Memon, Secretary to Ombudsman Sindh, Mr. Nisar Ahmed Siddiqui, Director IBA, Rana Shah Advocate, Mr. Abdullah Ghumar, District Naib Nazim and Ms. Samina Mangi, Regional Director, Ombudsman Sindh highlighted the role of Ombudsman in improvement of the education sector in the province. All the participants dwelt on the three systems of education prevailing in the country i.e. the government, the private and the madressah. They emphasized that all the three systems should run in a single direction to achieve positive results. The discourse focused on the main problems hindering the creation of an educated society and the issues like retention of students at school, improvement in teacher-student ratio, location of schools, community participation, quality issues and difference in the three categories of institutions.

Speaking on the occasion Ombudsman Sindh Mr. K. Yousuf Jamal referred to the Sindh Act No.1 of 1992 and told the audience that in accordance with the Act, the Ombudsman has been vested with powers to take action against the so called “ghost schools” in the province, and the misuse of budget of education department. In this regard, he also stressed upon community members to identify such ghost schools so that appropriate action could be taken against the officials involved in overlooking such lapses.

Laying stress on the importance of education, the participants said that education not only helps the people in acquiring critical negotiation and leadership skills that are indispensable for achieving the goals of comprehensive development but also ensures a harmonious and just society, creating respect of rights of individuals and their responsibilities. It was also stressed that the principle of merit had to be followed strictly, if education was to really bring positive change in the society. All the participants expressed dissatisfaction on the policy of ignoring merit in favour of nepotism.

Describing the role of civil society Ombudsman Sindh said that the primary role of civil society was the accountability of the authorities which failed to deliver basic services to citizens and mobilizing the political will to achieve the same through activism. He claimed that the process of creating an education system that was appropriate for the diverse people of the country with the right mix of local, national and international elements and a meaningful public-private partnership, was a process that would take both time and willingness to experiment with new approaches and ideas. Ombudsman Sindh also suggested updating and upgrading the curriculum so as to make it relevant to the existing sociological, economic and ethical issues and carried with it an agenda of change.

g. Seminar on Independence Day- “A day of Self -Accountability”-Karachi

A seminar titled Independence Day: *A day of Self-Accountability* was organized by the Office of the Ombudsman Sindh to celebrate the 60th Independence Day of the country.

The seminar was addressed by the eminent persons including Dr. Pirzada Qasim Raza Siddiqui, Vice Chancellor, University of Karachi, Ms. Nargis Rehman, Chairperson Women’s Peace Committee, Dr. Manzoor Ahmed, Rector Islamic University, Dr. Tazeen Faridi and Prof. Raees Alvi, Registrar, University of Karachi. The chief guest on the occasion was Dr. Farooq Sattar, Member National Assembly.

The main emphasis of the seminar was on evaluating and identifying the factors harming the national interests of the country and self-accountability.

Expressing their views, the participants emphasized that it is only through self-accountability that one could judge himself well to take further steps in the right direction. They said that only when everyone consciously played his/her role in contributing towards the development and the progress of the country could the objectives of celebrating the independence day be achieved.

On the importance of accountability, Ombudsman Sindh Mr. K. Yousuf Jamal said that accountability is vital for narrowing the gap between promise and performance in restorative justice. Accountability is essential for the simple reason that it is one of the most important checks on the exercise of power. He said that the independence day should be celebrated as a day of self accountability. He also emphasized more provincial autonomy for the development and prosperity of Pakistan.

The chief guest of the occasion Dr. Farooq Sattar lauded the efforts of the Office of the Ombudsman Sindh for organizing the seminar as an awareness program. He also appreciated the role of Ombudsman in providing speedy and inexpensive justice to the people of the province.

The children from Mewa Shah School, Taj Goth performed on the occasion by singing national songs in chorus. Ombudsman Sindh announced Rs. 30,000 out of his discretionary funds for Mewa Shah School, Taj Goth. He appreciated the efforts of Babu Ghulam Hussain, the Headmaster of the school for his contribution to the education of disadvantaged children.



i. Training Workshop on “Access to Justice”-Karachi

The Office of the Ombudsman Sindh organized a one-day training workshop on *access to justice*.

The training workshop was attended by the Vice Chancellor, University of Sindh, Jamshoro, Mr. Mazhar-ul-Haq Siddiqui and Ombudsman Sindh Mr. K. Yousuf Jamal, Secretary Provincial Ombudsman Sindh Mr. Ashfaq Ahmed Memon, Director General Provincial Ombudsman Sindh Mr. Iqbal Diwan, Director General, Administration and Coordination, Provincial Ombudsman Sindh, Sayed Amir Ali Shah and Prof. Mohammed Yousuf Pardesi, Civil Society Expert, Access to Justice Program, who had organized the event. Representatives of a large number of well-known NGOs of the city also attended the workshop, who interacted with the officials of the Office of the Ombudsman Sindh effectively.

The objective of conducting the workshop which was held on September 26, 2007 at Karachi in collaboration with the well known NGOs of the metropolis was to raise awareness about the Office of the Ombudsman Sindh amongst the general public

Explaining the intent of organizing the workshop, Ombudsman Sindh Mr. K. Yousuf Jamal said that the purpose of holding this workshop was to promote visibility, ownership and understanding of the concept of access to justice. He said that the workshop would provide an opportunity for stakeholders to articulate the interests of the justice sector and enable the Office of the Ombudsman Sindh to perform its functional responsibilities in an accountable, transparent and participatory manner.

Ombudsman Sindh described in detail the infrastructure and the working of the Office of the Ombudsman Sindh. He said that for the last 15 years the Office of the Ombudsman Sindh had been providing inexpensive and speedy justice to the aggrieved people of the province. He explained the process of lodging complaints against the maladministration of any department of the Government of Sindh. Highlighting the importance of the contribution of NGOs, Ombudsman Sindh said that, with the help of the NGOs more awareness about the Office of the Ombudsman Sindh could be created among the masses. He expressed his gratitude to the representatives of the NGOs for participating in the workshop and appreciated the efforts of Prof. Mohammed Yousuf Pardesi. Elaborating the role of Ombudsman he said that, the Office of the Ombudsman is a part of civil society as it checked the abuse of official powers and provided relief to people. He further added that for the provision of speedy justice and further improvement in the legal system, the Office of the Ombudsman Sindh would always welcome suggestions from stake holders.

Expressing his views on the occasion, Mr. Mazhar-ul-Haq Siddiqui, Vice Chancellor, University of Sindh, Jamshoro appreciated the efforts of the Office of the Ombudsman Sindh in curbing maladministration. He said that the civil society should work together against the malaise of corruption and maladministration. He emphasized the importance of establishing rule of law and said that the law should be applied without fear and favour. He further said that we should respect the law and ensure full adherence to it as members of the civilized world. He lauded the efforts of the Office of the Ombudsman Sindh in providing inexpensive and speedy justice with impartiality and integrity.

In conclusion, he conveyed profound gratitude to the Ombudsman Sindh and offered full support in this just cause. He also acknowledged the warm hospitality extended which contributed to the outstanding success of the seminar.

h. Seminar on “Role of Civil Society in Establishing Better Government”-Mirpurkhas

The Regional Directorate of Sindh Ombudsman Office, Mirpurkhas organized a seminar on *Role of Civil Society in Establishing Better Government* on 1st September, 2007 at Mirpurkhas.

The dignitaries attending the seminar included Speaker Sindh Assembly, Syed Muzzafar Hussain Shah, Zila Nazim, Dr. Sughra Junejo, Zila Naib Nazim, Dr. Zafar Ahmed Kamali, Director General, Ombudsman Sindh, Dr. Mohammed Ali Shaikh and Director General, Administration and Coordination, Ombudsman Sindh, Sayed Amir Ali Shah. The seminar was also attended by a large number of people of district Mirpurkhas.

The crux of discussion at the seminar was how to provide inexpensive justice to the aggrieved people of the province. The Ombudsman Sindh Mr. K. Yousuf Jamal apprised the audience that the aim of establishing the Office of the Ombudsman Sindh was to provide inexpensive justice to people at their doorsteps. He informed the audience that Ombudsman Sindh had so far received 114,707 complaints out of which 29,529 had been approved for investigation and 25,190 had been decided. Ombudsman Sindh also informed that on the directives and approval of Sindh Governor four new Ombudsman offices were being established in Badin, Jacobabad, Naushero Feroze and Thatta districts after which the number of the regional directorates of the Ombudsman Sindh in the province will become fifteen.

The speakers agreed that the society was still far from a stage where it could impact the government effectively. All the same, the role of the society was highly important and the courage shown by many civil society organizations towards a just and egalitarian society were highly lauded.

Speaking on the occasion the chief guest Speaker Sindh Assembly, Syed Muzzafar Hussain Shah advised the people of the society to create awareness among the people of their rights. He said that people were ignorant that the Office of the Ombudsman in the province provided justice without any cost.

He highlighted that Sindh had the honour of establishing the first Ombudsman office in the country and providing justice to many. He said that right from its inception the Office of the Ombudsman Sindh had been performing a vital role in providing the administrative justice to the aggrieved people in the province.



j. Village Assembly- Larkana

A symposium titled *Village Assembly* was conducted in Larkana to acquire opinions of the people belonging to different walks of life for ascertaining the root causes of maladministration and injustice in the society. The main idea behind organizing the *Village Assembly* was to raise awareness amongst the general public by directly interacting with them.

The effort remained quite successful as a large number of people from nearby villages turned up to attend the symposium. This *Village Assembly* provided the audience an insight into the role of Ombudsman and the extent of the power of the office.

Addressing the *Village Assembly* Ombudsman Sindh, K. Yousuf Jamal asked the people to contact the closest Regional Directorate of the Ombudsman Sindh in case they were facing any administrative injustice. He described in detail what the Ombudsman Sindh could do for them. Calling the Ombudsman's Office a mid-way house between judiciary and administration, he said that corruption had become part of the national ethos and that the traits of love, tolerance and accommodation were now history. He urged the stakeholders to play their role in correcting the ills of society.

Speaking on the occasion, the participants highlighted various examples depicting apathy of government functionaries and spread of bad governance at all levels of the government.



In conclusion, the aggrieved people submitted their complaints against the maladministration of various Sindh Government agencies on the spot.

Prof. S.M Yousuf, Principal of Cadet College Larkana, Dr. Sikandar Mughal, Vice Principal Chandka Medical College Larkana and Mr. Abdul Razzak Soomro, former ambassador to UAE were also present on the occasion.

k. Literary Reference in honour of Mr. Jameeluddin Aali

The Literary Society of the Office of the Ombudsman Sindh honoured the renowned poet, writer and columnist Mr. Jameeluddin Aali by organizing a literary reference in his honour.

The purpose of arranging the reference was not only to honour Mr. Aali but also to create awareness amongst the intelligentsia about the Office of the Ombudsman Sindh.

The dignitaries present on the occasion included caretaker Chief Minister Sindh, Mr. Abdul Qadir Halipota, who was the chief guest, Dr. Farman Fatehpuri, Prof. Seher Ansari, Mr. Raof Siddiqui, former provincial minister for culture, Ms. Khush Bakht Shujaat and Mr. Ashfaq Ahmed Memon, Secretary Provincial Ombudsman Sindh.

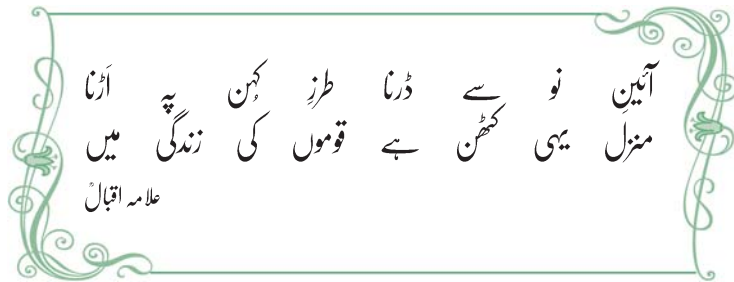
The speakers on the occasion lauded the efforts of the Office of the Ombudsman Sindh for honouring Mr. Jameelludin Aali on his literary services extended over a period of 60 years.

Speaking on the occasion Ombudsman Sindh K. Yousuf Jamal said that “Pakistaniat” is the clear and only manifesto of Jameeluddin Aali. He extolled his efforts for the establishment of Pakistan Writer’s Guild. He said that he had a multidimensional personality and his services to the Urdu Literature and poetry are self-explanatory.

On the occasion the caretaker Chief Minister Sindh Mr. Abdul Qadir Halipota gave away “Nishan-i-Sipas” to Mr. Jameeluddin Aali and announced a grant

of rupees one million for him. He also announced conferment of lifetime achievement awards for the renowned poets and writers ever year.

At the end, Ombudsman Sindh presented “Nishan-i-Sipas” to the caretaker Chief Minister Abdul Qadir Halipota.



iv. 10th General Assembly Meeting of the Asian Ombudsman Association (AOA), Hanoi

The Ombudsman Sindh, K. Yousuf Jamal attended the 10th General Assembly meeting of Asian Ombudsman Association (AOA), on April 28, 2007 at Hanoi, Socialist Republic of Vietnam. Ombudsmen from 20 Asian countries were present on the occasion.

Secretary to the Ombudsman Sindh, Mr. Ashfaque Ahmed Memon and Director General (Admin & Coord), Office of the Ombudsman Sindh, Sayed Amir Ali Shah also accompanied the Ombudsman Sindh during the general assembly meeting of AOA at Hanoi.

The AOA General Assembly meeting continued from 25th to 28th of April 2007.

The participants of the member countries who represented their countries during the 10th General Assembly Meeting of Asian Ombudsman Association included the following:

Madam Elmira Suleymanova

Commissioner for Human Rights (Ombudsman),
Republic of Azerbaijan .

Mr. Wu Zhenjun

Vice-Ministerial Level Commissioner,
Ministry of Supervision,
Peoples Republic of China .

Madam Alice Yuen-Ying Tai

Ombudsman,
Hong Kong SAR, China

Mr. Justice Ripusudan Dayal

Lokayukt (Ombudsman), M.P.,
India .

Prof. Dr. Sunaryati Hartono

National Ombudsman,
Indonesia .

Mr. Justice Muhammad Niazi

Head of General Inspection Organization,
Islamic Republic of Iran .

Mr. Song Chul-ho

Chief Ombudsman,
Republic of Korea .

Mr. Tursunbay Bakir Uulu

Ombudsman,
Kyrgyz Republic .

Mr. Hideo Arai
Deputy Director-General,
Administrative Evaluation Bureau, Ministry of Internal Affairs and Communications
Japan .

Dr. Cheong U
Commissioner Against Corruption,
Macao SAR, China

Dr. Chua Hong Teck
Director General
Public Complaints Bureau, Prime Minister Office
Malaysia .

Mr. Javed Sadiq Malik
Federal Ombudsman/ AOA President
Pakistan .

Mr. Munir A. Sheikh
Federal Tax Ombudsman,
Pakistan .

Mr. Khan Yousuf Jamal
Provincial Ombudsman Sindh,
Pakistan .

Mr. Fazal-ur-Rahman
Provincial Ombudsman Balochistan,
Pakistan .

Mr. Abdur Rashid Khan
Provincial Ombudsman Punjab ,
Pakistan .

Madam Merceditas N. Gutierrez
Ombudsman,
Philippines .

Mr. Ranaraja.R.B
Parliamentary Commissioner for Administration Ombudsman's Office,
Sri Lanka .

Mr. Poonsup Piya-anant
Ombudsman,
Thailand .

Mr. Tran Van Truyen,
Inspector General,
Inspectorate General of Vietnam ,
Socialist Republic of Vietnam .

Mr. Obeid Saad Shreim

Vice President ,
Central Organization for Control and Auditing
Yemen .

Executive Secretary AOA

Mr. Muhammad Ihtesham Khan, Secretary, Federal Ombudsman Secretariat, Pakistan

Office Manager AOA

Mr. Abdur Rauf, Director, Federal Ombudsman Secretariat, Pakistan

Opening the discussion, Mr. Javed Sadiq Malik, President, Asian Ombudsman Association (AOA) highlighted the importance of the meeting and said that the objective of this meeting was to discuss the important issues for promotion of the cause of the association.

Speaking on the occasion Ombudsman Sindh Mr. K. Yousuf Jamal said that introduction of a transparent system in the public administration is the need of the time. He highlighted the specific sections of Sindh Act No.1 of 1992 meant for curbing corruption and maladministration in the society. He also presented 15 recommendations in the General Assembly for fighting corruption. He explained in detail the role of Ombudsman in restraining maladministration.

Expressing his opinion on the concept paper, the Ombudsman Sindh said that the document encompassed too many functions for the proposed Resource Centre. He asked the audience that priority must be given to capacity building and for this purpose he suggested that a sub-committee of the members be formed to develop parameters for a capacity building program.

The president of the Association agreed to the proposals of the members and informed that the concept paper contained preliminary ideas on the proposed Resource Centre and that further improvement would be made in the light of such suggestions. He appreciated the idea of constituting a sub-committee for the purpose. The president also informed that the Ombudsman of Thailand had agreed in principle to host 11th AOA Conference in 2009, subject to the approval of the Government of Thailand.

Mr. Munir A Shaikh, Federal Tax Ombudsman, Pakistan, Mr. Fazal-ur-Rehman, Provincial Ombudsman Balochistan and Mr. Abdul Rasheed Khan, Provincial Ombudsman Punjab were also present on the occasion.

The General Assembly unanimously approved the Board's recommendation on awarding full membership to the Federal Insurance Ombudsman, Pakistan.



v. Restructuring Operations: Establishment of Implementation Cell and Monitoring Cell

An Envisioning Conference was held by the Office of the Ombudsman Sindh on September 02, 2006 at Karachi. The purpose of the conference was to highlight the issues affecting the operational efficiency of the organization. This forum revealed that many decisions taken by the Ombudsman office remained ineffective due to lack of implement.

It was observed that the statistics, (reported as the number of cases dealt) did not reflect a correct picture since the number of cases implemented remained low. As a result the whole raison d'état of the Ombudsman as called into question. The public image of the organization suffered as the people felt that a decision given in record time was rendered meaningless when it could not implemented.

The Sindh Act No: 1 of 1992 empowers the Ombudsman to take coercive action in circumstances which warrant the same. However with the Office of the Ombudsman Sindh serving as the bridge between the public and the various government departments, it was not desirable to create belligerence. Instead the Office of the Ombudsman Sindh had always attempted to amicably resolve all disputes concerning maladministration.

This approach necessitates improving the in-house operational procedures so as to ensure quick and timely implementation of decisions.

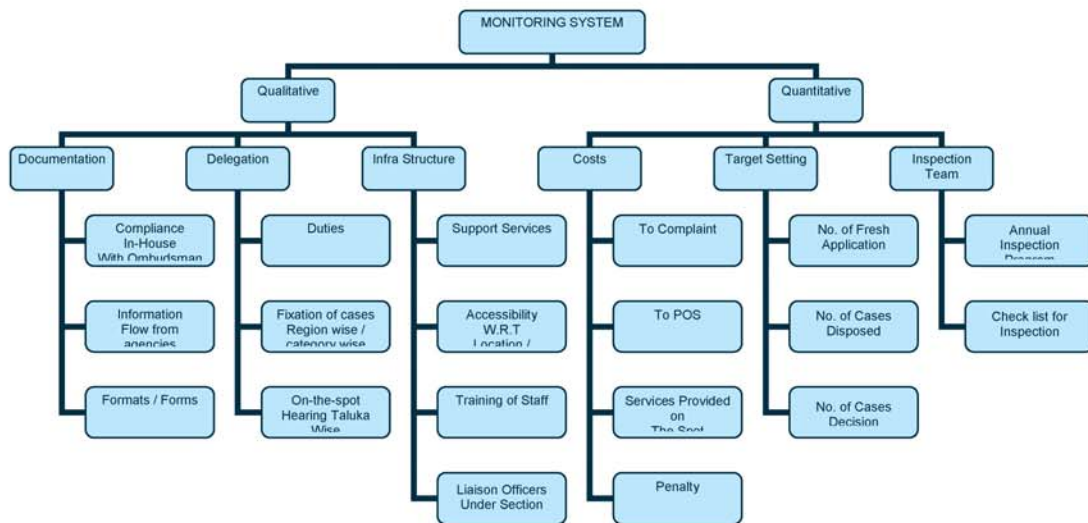
As a result an **Implementation Cell** was setup within the organization for which provision in SNE 2007-8 was made.



vi. Preparation of Operational Manual

The strategy outlined for 2007, proposed a self-regulating system with inspection teams monitoring performance on a quarterly basis, with targets and cost control measures for monitoring efficiency.

A thematic outline of the system is given below:



As a first step the documentation part of the system has been completed, with an Operational Manual in place, which covers the clauses of the Sindh Act No.1 of 1992, dealing with the disposal and investigation of cases.

The manual has been designed to facilitate an investigating officer in processing a case. It deals in detail with aspects pertaining to the different aspects of cases. Also dealt with are procedures to be adopted when conducting inquiries and ways in which the Act empowers an investigating officer in conducting inquiries, etc. Different procedures have been elaborated so as to enable an investigating officer to conduct inquiries and investigate cases independently.



vii Capacity Building – Human Resource Development

To meet its objective of “Performance Excellence” the Office of the Ombudsman Sindh initiated an institutionalized process of restructuring and transformation thereby ensuring a continuous process of change in organizational values and in employees’ attitudes, knowledge and skills. To achieve this goal it is proposed to initiate capacity building /training programs through National Institute Management (NIM) and other institutions. It has been emphasized that training programme focuses on creating a workforce which is:

- a) Enthusiastic towards its work,
- b) Knowledgeable about its tasks, and
- c) Committed to the task

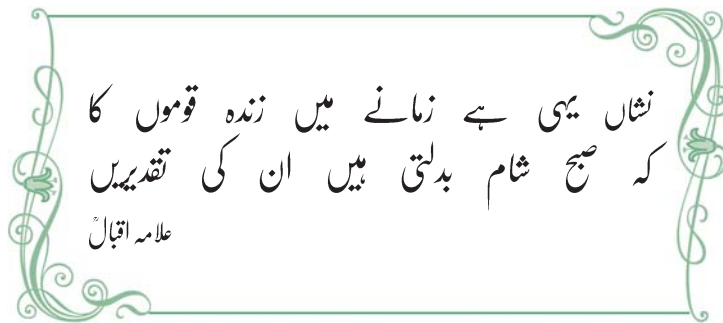
Designing of training programs is being actively pursued. Need assessments are being carried out by Dr. Masooma Hasan for developing comprehensive training program, covering subjects such as:

- I. Office Management
- II. Time Management
- III. Negotiating Skills
- IV. Legal Drafting
- V. Report-writing
- VI. Business English
- VII. Financial Accounting
- VIII. Budgeting

Training Methodologies will involve:

- I. On the Job Training
- II. Functional Training

It is hoped that with this exercise, the employees of the Office of the Ombudsman Sindh will acquire such commitment and orientation which would enable them to gain a qualitative edge towards attaining an excellent performance, which is a distinguishing feature and strength of any organization.



3. Strategy for 2008: Consolidation

i) Expanding Outreach:

a) **New Offices:** - An important segment of the three pronged strategy devised by the Ombudsman Sindh for improving the services of the Office of the Ombudsman Sindh was “Outreach” i.e. extending the availability of Ombudsman Services.

In pursuance of this strategy, the Office of the Ombudsman Sindh established 14 regional offices all over the province. The ultimate objective is to have an office in every district of Sindh. To provide greater outreach, it is planned to have sub-offices in some major districts to act as feeder units to the regional offices. In this manner it is hoped that a large population will be served effectively.

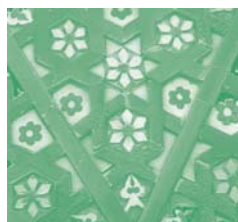
b) **Seminars:** - The Ombudsman Sindh Mr.K.Yousaf Jamal on assuming office in June 2004 galvanised the Office of the Ombudsman in increasing public awareness about the institution and the services being offered by the institution.

With the active assistance of the Ministry of Law, Justice and Human Rights under its Access to Justice Program an ambitious program was launched. A major component of this program was the holding of seminars in all the districts of Sindh to create awareness amongst the public about the Office of the Ombudsman Sindh.

c) Networking with Civil Society Organizations:

In keeping with the strategy designed for the year 2007, which aimed at achieving accessibility, awareness and outreach for the Ombudsman services, it was decided to seek active partnership of civil society organizations. It was also thought desirable to seek involvement of educational institutions such as colleges, universities and literary societies as well as other corporate and civic bodies. It was felt that such partnership will also complement the government’s aim of creating a soft image of the country.

This objective was achieved through the efforts of the Ombudsman Sindh Mr.K.Yousuf Jamal who succeeded in bringing on board National Bank of Pakistan, a leading corporate entity. NBP was persuaded to constitute a literary award for the benefit of poets and authors, in both languages of the province i.e. Urdu and Sindhi. A special award was also announced for Mr. Jameeluddin Aali in recognition of the meritorious services rendered by the famous poet.



ii. Reduction in Case Processing Time

In a service-oriented organization the quality of service and performance is judged by customers' satisfaction. One of the factors impacting the performance or quality of service is the time in which a service is provided. Processing time is defined as the time taken from the day the case is lodged with this office to the day the decision is handed over to the complainant.

A study of approximately 2000 cases revealed that the case processing time was on the average, 13 months for relief cases and 15 months, for rejected cases. In the relief cases the time delays could be explained by way of matters which were beyond the control of the Office of the Ombudsman Sindh and incurred by outside agencies. There is a different procedure prevailing in every organization, and hence the delays.

However when assessing the reject cases it was felt that some improvements could be introduced in the system, and the time lag could be brought down through personal interaction with the parties and proper examination of the documents.

Taking cognizance of the same, the Secretary to the Ombudsman Sindh, Mr. Ashfaq Ahmed Memon initiated a monitoring and evaluation system, which will evaluate the progress of every case that is registered with the Office of the Ombudsman Sindh on a regular basis.

The monitoring cell will be staffed by a Director, an Assistant Registrar and ancillary staff in the financial proposal for the year 2008, the Office has asked for budgetary allocation for the same.

It is hoped that with these measures in place, considerable reduction in case processing time will be achieved.

Laws can embody standards; governments can enforce laws—but the final task is not a task for government. It is a task for each and every one of us. Every time we turn our heads the other way when we see the law flouted—when we tolerate what we know to be wrong—when we close our eyes and ears to the corrupt because we are too busy, or too frightened—when we fail to speak up and speak out – we strike a blow against freedom and decency and justice.

- Robert Francis Kennedy

iii. Strategy Consolidation

The Strategy for the year 2007 emphasized the following three important aspects for the future development of the Office of the Ombudsman Sindh with the aim and objective of making the Ombudsman's Services available to every citizen, in every area of the province in a most inexpensive manner:

- Awareness
- Outreach
- Accessibility

While the Ombudsman system became institutionalized in Pakistan in the 1990's, yet the Office had not achieved appreciable level of recognition as a government body by way of its services,. The strategy for 2007 was designed to rectify the situation, and make the Office of the Ombudsman Sindh a vibrant, proactive organization, actively seeking to ameliorate the grievances of common people.

The basic tool adopted for implementing this strategy was an increased direct contact with the public through print and electronic media, and by holding seminars on the issues of public interest. A number of offices were opened throughout the province to make it convenient for the people to lodge complaints for the redress of their grievances.

In-house reforms were undertaken e.g. systems and procedures were designed to facilitate in-house working. Training programs were initiated to motivate the employees.


Publishing information brochures and pamphlets, participating in talk shows on television were some of the measures adapted for furtherance of the strategy. To get feedback a question based survey was conducted, wherein the respondents were asked as to the source of their information about the Office of the Ombudsman Sindh and its services. An overwhelming majority informed that they had heard about the Ombudsman office through friends; a small minority said their source was television and a few suggested that they had heard about it in their offices.

This survey proved that seminars were an effective tool to extend awareness as most of the people came to know about the Ombudsman office through word of mouth. It shall be our endeavour during the year 2008 to continue with the policy of reaching out to the people.

The strategy for the year 2008 is to consolidate these efforts by emphasizing in-house efficiency and ensuring accessibility by:

- I. Increasing Awareness by reaching out to the people, in mass contact campaigns such as:
 - a) Congregations in mosques
 - b) Meetings in colleges and universities
 - c) Publicity through post-offices

- II. Increasing outreach by establishing regional offices in each district of the province. Fourteen offices have already been established, and the target is to open five more new offices during the year in the districts of Ghotki, Jamshoro, Khairpur, Sanghar and Tando Allahyar.
- III. The objective of customized redress through mobile vans is also on the anvil, the budgetary allocations have been made in the SNE for the year 2008. It is hoped that through the mobile vans we will be able to reach those people who cannot access the offices of the Ombudsman Sindh easily e.g. women, sick people, the elderly and severely disadvantaged people. Through this we shall reach those areas which are far-flung and remote.



“There is no virtue so truly great and Godlike as justice. Most of the other virtues are the virtues of created Beings, or accommodated to our nature as we are men. Justice is that which is practiced by God himself, and to be practiced in its perfection by none but him. Omniscience and Omnipotence are requisite for the full exertion of it. The one, to discover every degree of uprightness or iniquity in thoughts, words and actions. The other, to measure out and impart suitable rewards and punishments. As to be perfectly just is an attribute in the divine nature, to be so to the utmost of our abilities is the glory of a man. Such a one who has the public administration in his hand, acts like the representative of his Maker, in recompensing the virtuous, and punishing the offender.”

-Joseph Addison, Guardian, No. 99, July 4, 1713



iv. Special Studies – Consultants Reports

The Office of the Ombudsman Sindh commissioned a study under its Access to Justice Program (AJP) funding to explore the following new areas.

1- Social Marketing of Ombudsman Services

- To explore the legal literacy needs of the population.
- To design policies that would ensure maximum outreach to the people and their access to justice.
- To develop a detailed sustainable product distribution plan.
- To define paralegal training needs.
- To suggest four pilot talukas/ towns /districts where AJP programmes can be run.
- To identify communities and organizations which can provide best possible partnership facilities e.g. geographical location, organizing ability, building peer or interest groups, etc.

For this purpose a social marketing consultant was hired who identified communities, and organization e.g. local barber community, which could be mobilized for creating awareness about the Ombudsman’s services among the people.

2. Civil Society Linkages

Another study that was commissioned concerned to build linkages with civil society partners especially formal NGOs.

For the purpose a civil society expert was hired, and tasked with the following:

- Starting liaison with select NGOs.
- Preparing guidelines for future linkages with NGOs.
- Preparing training material for NGO workers.
- Preparing terms of agreements with NGOs for outreach linkages.
- Preparing monitoring and evaluation arrangements for monitoring the progress of the model project.
- Training the staff of the Office of the Ombudsman Sindh to benefits from NGO linkages.

It is hoped that with this multi-pronged strategy, considerable success will be achieved in creating awareness, developing outreach and improving accessibility to Ombudsman services.

Images & Reflections



Visit of Ombudsman Balochistan



Mr. K. Yousuf Jamal, Ombudsman Sindh meets his counterpart, Mr. Justice (retd) Fazal-ur-Rehman, Ombudsman Balochistan at the Office of the Ombudsman Sindh.

Ombudsman Sindh Visits Punjab Ombudsman



Mr. K. Yousuf Jamal, Ombudsman Sindh meets his counterpart, Mr. Abdul Rasheed Khan, Ombudsman Punjab, at the Office of the Ombudsman Punjab.

Crime & Prison Reforms

A Seminar organized by Karachi Women's Peace Committee

A seminar entitled *Crime & Reforms: Past Obstacles and Future Prospects* was held under the auspices of Karachi Women's Peace Committee.

While addressing the seminar, Ombudsman Sindh, Mr. K. Yousuf Jamal appreciated the positive role played by NGOs in the education and governance reform sectors. He particularly emphasized the pivotal contribution of NGOs in bringing about prison reforms, by imparting academic and vocational qualification to the inmate populations.

Inspector General, Prisons, Mr. Yameen Khan, highlighted the steps which had been undertaken by his office. He informed the participants of the seminar about carpet weaving and spinning machines installed at the prison premises to provide skill development opportunities to the prisoners with daily compensation packages. Additional I.G. Sindh, Mr. Niaz Ahmed Siddiqui also addressed the seminar.



Dissemination of Justice and the Role of Ombudsman in Pakistan

A seminar entitled *Dissemination of Justice and the Role of Ombudsman in Pakistan* was organized by the Office of the Ombudsman Sindh in collaboration with the Political Science department of University of Karachi.

Speaking on the occasion Ombudsman Sindh, Mr. K. Yousuf Jamal said that 70% of the complaints received by the Office of the Ombudsman Sindh have been redressed by the institution.

He also informed that Governor Sindh, Dr. Ishrat-ul-Ibad had approved the establishment of five new centers.

Provincial Minister for Planning Shoaib Bukhari while urging the Office of the Ombudsman Sindh to attend the complainants on priority basis said that it should ensure an easy access to swift justice.



10th General Assembly Meeting of the

Asian Ombudsman Association

The Ombudsman Sindh, K. Yousuf Jamal attended the 10th general assembly meeting of Asian Ombudsman Association (AOA), on 28th of April 2007 at Hanoi, Socialist Republic of Vietnam.

Expressing his opinion on the concept paper, the Ombudsman Sindh said that the concept paper encompasses too many functions for the Resource Centre. He asked the audience that the priority must be given to capacity building and for this purpose he suggested that a subcommittee of the members may be formed to develop parameters for a capacity building program.

Secretary, Mr. Ashfaque Ahmed Memon and Director General (Admin & Coord), Sayed Amir Ali Shah also accompanied the hon'ble Ombudsman during the general assembly meeting of AOA at Hanoi.



Three new Regional Directorates of Ombudsman Sindh

Ombudsman Sindh, K. Yousuf Jamal has said that in the short span of 15 years, the Office of the Ombudsman Sindh had matured to assume a leadership role in redressing complaints of individuals by providing them speedy justice.

He was speaking at a seminar organized on the occasion of the inauguration of three new Regional Offices of Provincial Ombudsman, Sindh.

He highlighted the pivotal role of the Ombudsman in fostering the cause of good governance. According to Mr. Jamal a majority of the population in Sindh lived in the rural areas and their complaints dealt with irrigation, water supply and poverty issues.

He said that besides dispensation of administrative justice on an inexpensive and fast track, the institution was also conducting studies and seminars to ascertain the root causes of corruption and injustice.

Mr. K. Yousuf Jamal referred to the plan about Ombudsman Mobile Van Project and said that it is an attempt to reach those complainants who could not access his offices.

Chief Minister's Advisor, Ms. Fatima Surriya Bajia, who was the chief guest on the occasion, stressed the need of self accountability and took a pledge from the audience in this regard saying that one could be the best judge of his own deeds.

The director of "Access to Justice Program", sponsored by Asian Development Bank, Mr. Afzal Kahut, threw light on the history and achievements of the Ombudsman institution.

Ms. Nargis Rahman, a civil society representative, said that the Office of the Ombudsman Sindh was playing a crucial role in addressing the varying complaints of needy and poor.



Incoming Ombudsman Sindh held meeting with the Officers

Newly appointed Ombudsman Sindh Mr. Asad Ashraf Malik held his first meeting with the Officers at the headquarter on January 04th, 2008.

Present on the occasion was his predecessor Mr. K. Yousuf Jamal and all the Regional Directors. Speaking on the occasion the Ombudsman Sindh Mr. Asad Ashraf Malik said that it is an occasion of pride and pleasure for me to replace an incumbent like Mr. K. Yousuf Jamal who has given a vision to this institution and has no comparison. He said that it would be quite difficult for him to match the pace set by his predecessor but he would try to at least maintain it. He asked the investigation officers to give a sense of courage to the aggrieved people to come and file their complaints in the Ombudsman institution against the maladministration of the government institutions.

Earlier Mr. K. Yousuf Jamal introduced all the officers of the Office of the Ombudsman Sindh. Praising his successor he said that he is fully aware of the ground realities as he had brought with him a lot of experience of curbing maladministration. After the meeting, all the officers gathered for a group photograph with new and the preceding ombudsmen in the lawn of the headquarter.

Later a lunch was served in honour of the newly appointed Provincial Ombudsman Sindh at Karachi Gymkhana which was attended by Directors General, Directors, Advisors and Consultants of the Office of the Ombudsman Sindh.

After the lunch the inbound Ombudsman Sindh Mr. Asad Ashraf Malik presented a souvenir to Mr. K. Yousuf Jamal. Also on the occasion Sayed Amir Ali Shah, Director General (Admin & Coord) presented the Holy Qur'an to the outgoing Ombudsman Sindh Mr. K. Yousuf Jamal.



Special Cases





DECISION

Complaint No. : POS/2112/07 (S)

Name and address of the complainant : SUO MOTU

Name of the Agency complained against : Police Department,
Government of Sindh

Name & Designation of Investigating Officer : Mr. Gul Hassan Solangi,
Director, Regional Office, Larkana

Subject :- INVESTIGATION REGARDING MURDER OF MR. AKHTAR SHAH AND MST. YASMIN PANHWAR DECLARING THEM KARO KARI (HONOUR KILLING)

This Decision is the outcome of the Suo Motu cognizance taken by me, under Section 9 (i) of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, on the basis of a news item published in Daily Kawish dated 21-06-2007 in respect of the claimed karo Akhtar Shah's brutal and day light murder, which was reportedly committed on 20-06-2007 at 1700 hours, in a public street near Income Tax Office Dadu City, as a result of target firing.

2. Immediately, after taking cognizance of the matter, I entrusted investigation, to be conducted under Section 10 of the said Act, to Mr. Gul Hassan Solangi, my Director, Regional Office, Larkana, for ascertainment as to whether or not mal-administration was attributable to the police officials connected with the process of registration/investigation pertaining to the crimes Nos.43/2007 & 179/2007 registered at P.S. Dadu City.

3. Mr. Solangi recorded, statements of the following five persons, on oath, at Dadu.

- i) A.S.I. Nisar Ahmed Bhatti, the Investigation Officer of the crime No.43/2007, pertaining to Mst. Yasmeen Panhwar's abduction, which resulted in her subsequent reported killing as the claimed 'kari,' registered under Section 494 PPC, 11 & 16 ZHO at P.S. Dadu City.
- ii) S.I. Ghulam Akbar Lund, Supervising Investigation Officer, the Investigation Officer of the crime No.179/2007, registered under Section 148, 149 & 302 PPC, at P.S. Dadu City, in respect of Akhtar Shah's murder as the claimed 'karo.'
- iii) Syed Abbas Ali Shah, the complainant of the crime No.179/2007.

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- iv) Yaseen Panhwar, the husband of the abductee who stands nominated as the main accused of the crime No.179/2007.
- v) Mr. Roshan Ali Panhwar, the second main nominated accused of the crime No.179/2007.

4. The aforesaid depositions recorded by Mr. Solangi revealed that the subject of both the aforesaid crimes culminated in the honour killing known, in common parlance, as 'karo-kari.'

5. According to the Police Rule No.22.48 chapter XXII, register No-II (Station Diary), known in common parlance as "Roznamcha", is essentially to be maintained at every Police Station. (P.S). Roznamcha, being a complete record of all the events which take place at a Police Station, should contain not only the movement and activities of all the Police officials but also the visits of outsiders, when an official or non-official, comes or is brought to the police station for any purpose, whatsoever.

6. In addition, the Roznamcha should also be vocal, as required by the Police Rule 22.49, about the hour of arrival on duty and departure from the P.S.of all the enrolled police personnel of whatever rank, whether posted at the police station or elsewhere with a statement of the nature of their duty. This entry is necessarily to be made immediately, on arrival or prior to the departure of the officer concerned, who is bound to attest the same personally by signature or seal.

7. Under Article 155-C of the Police Order 2002, when a police officer is found guilty of any wilful breach or neglect of any provision of law or any rule or of regulation he shall on conviction, for every such offence, be punished with imprisonment for a term which may extend upto 3 years and with fine.

8. Mr. Solangi has confirmed in his investigation report that there was no entry in the Roznamcha regarding the departure of A.S.I. Nisar Ahmed Bhatti alongwith the police party from the scene of occurrence to village Mukhdum Bilawal in search of the nominated accused persons.

9. A.S.I. Nisar Ahmed Bhatti, who had arrested the nominated accused Umaid Ali Shah alias Shaban Shah, of the crime No.43/2007 and obtained his fourteen days remand, for interrogation purposes, neglected, as is evident from the case diaries, to make serious efforts either to recover the abudctee Mst. Yasmeen or to arrest the main accused Akhtar Shah and the remaining accused persons nominated in the FIR, till Akhtar became victim of (Karo-kari). This neglect, which depicted his incompetency/inefficiency, amounts to mal-administration.



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10. Accused Syed Abbas Ali Shah in his deposition, recorded by Mr. Solangi, stated that the abductee Yasmeen was got handed over to her parents by the influential persons/ notables, whereafter apparently / reportedly she was burried (probably) in Baban Shah graveyard at Hyderabad. Had A.S.I Bhatti secured the custody of the abductee after her recovery, as aforesaid, certainly her life could have possibly been saved. This neglect on the part of A.S.I. Bhatti reflects his incompetency/inefficiency.

11. S.I. Ghulam Akber Lund the Investigation Officer of the Crime No.179/2007 did not record entry in the Roznamcha regarding his return to the P.S. alongwith the arrested accused Roshan and Yasen and the crime weapons recovered, on their pointation, from Sakikh Harran graveyard.

12. I have examined the instant case in terms of the investigation report submitted and the depositions recorded by Mr. Solangi and came to the conclusion that the murder of both the aforesaid karo and kari could be attributed to the negligence, in-attention, delay, in-competency & in-efficiency in the administration or discharge of duties and responsibilities exhibited by the concerned police personnel, which, undoubtedly, gave rise to 'mal-administration', the term defined under Sub-section (2) of Section 2 of the Sindh Act No-1 of 1992.

RECOMMENDATIONS

13. Under the aforesaid circumstances, while exercising powers vested in me, under section 11(g) of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, I do hereby direct the Provincial Police Officer, Sindh, to ensure that:-

- a) The Superintendent of Police, (Investigation), Dadu, not only gets the aforesaid Crimes No.43/2007 and 179/2007 thoroughly reinvestigated by the competent Police Officers of reputed integrity and adequate seniority, as per law, to unearth the real facts but the accused involved in the murder of Akhtar Shah are also thoroughly interrogated, so that immediate arrest of all the remaining absconders could be effected to facilitate the submission of comprehensive final challan in the matter, before the competent Court of Law, at the earliest.



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- b) That the Superintendent of Police (Investigation), Dadu, gets in touch with the District Police Officer Hyderabad, so that the grave of the abductee Yasmecn, allegedly available in the graveyard of Baban Shah, Hyderabad, is got exhumed, after observing all the legal formalities, for conduction of 'post-mortem' examination of the dead body of the abudctee Yasmecn who, according to Abbas Ali Shah, was killed as Kari.
- c) The Superintendent of Police, (Investigation) Dadu issues orders for joining Muhammad Yousuf Panhwar alias Haji Panhwar (father of Mst. Yasmecn Panhwar), his son Irfan, both resident of GOR Colony, Hyderabad, and Dhani Bux Panhwar (father of the abductee Yasmecn Panhwar who is the complainant of the F.I.R. 43/2007) to un-earth the mysterious details of the riddled murders.
- d) A clear case of ma-ladministion, is made out not only against the Superintendent of Police (Investigation) Dadu, who, despite the request made by the Investigation Officer of the Crime No.179/2007, for suspension of the two police officials H.C. Mohammad Arab & P.C. Manzoor Ali of the district police Dadu, (due to their having been nominated as the accused persons in the said FIR) did not bother to pass orders for the requested suspension but also against A.S.I. Nisar Ahmed Bhatti and S.I. Ghulam Akbar Lund.
14. The Provincial Police Officer shall also ensure that deterrent legal action, against all the police officials/officers pin-pointed hereinabove, is initiated forthwith, after due notice to each, under the relevant Laws and the Rules including the Police Order, 2002, so that the same may serve as an eye opener for others.
15. Copies of the orders issued by the Provincial Police Officer, Sindh, and the Superintendent of Police (investigation), Dadu, towards compliance of this Decision, may be submitted alongwith the compliance report, to the undersigned within one month hereof.



(K. YOUSUF JAMAL)
Ombudsman, Sindh

Karachi dated 30th July, 2007



DECISION

Complaint No. :	POS/4944/2003/RII-633
Name and address of the complainant :	Qazi Abdul Hameed Farooqui, C/o. Abdul Rasheed Durrani, Assistant, District Attorney Office, Thatta at Makli.
Name of the Agency complained against :	University of Sindh, Jamshoro.
Name & Designation of Investigating Officer :	Dr. Mohanmad Ali Shaikh, Director General.
Subject :-	<u>WITH-HOLDING OF RESULT OF CLASS B.A.-II (BI-ANNUAL) EXAMINATION FILED BY QAZI ABDUL HAMEED FAROOQUI</u>

Qazi Abdul Hameed Farooqui filed a complaint dated 26-08-2003 against the University of Sindh, Jamshoro, on their failure to announce his with-held result of B.A. Part-II examination. The complainant stated that he had appeared in B.A. Part-I examination of 1997 and was declared as fail. Subsequently he appeared in annual examination of 1998 in both B.A. Part-I and II but his result was with-held on the basis that he had failed in B.A. Part-I examination. The complainant stated that he did not appear in examination for subsequent three years. Afterwards, in 2002, with permission from the University of Sindh, he appeared in the examination of B.A. (Pass) and was issued marks sheet dated 19-05-2003 wherein he was declared as pass in all the papers of B.A. Part-I. He approached the University authorities to release his with-held result of B.A., as he had fulfilled the condition of clearing of B.A. Part-I examination, but his result was still not announced. He approached the higher authorities and on getting no response from them he requested for my intervention.

2. The University of Sindh, Jamshoro vide its letter dated 20-10-2003, through Assistant Controller of Examinations, stated that the complainant had failed in B.A.(Pass) Part-I and for that reason his result had been with-held. The letter assured that when the complainant would pass the B.A. Part-I examination, his result would be declared accordingly. Further to that the University of Sindh stated vide letter dated 25-02-2004 that the complainant had failed in Political Science subject of B.A. Part-II in the year 1998, hence he was declared fail. It was also stated in the subject letter that as he had appeared in B.A.(Pass) Part-I examination in the year 1996, his five years term for clearing the B.A. examination was already over in the year 2000 so the complainant would have to appear in entire B.A. examination afresh.

3. Several hearings were held, the last being held on 01-10-2007. Both the complainant as well as representative of the University were present. The University's point of view was that the complainant was not very serious towards his studies, which was evident from the fact that he could not clear his two years course/degree requirements, even in the maximum allowable period of five years since 1995. The University's representative stated that if the complainant wanted to

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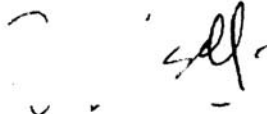
complete his B.A. he can again get himself registered as a fresh candidate for B.A. The complainant was of the view that if he had already completed his five years allowable period for clearing his papers in year 2000 then how and why he was allowed to appear in examination by the University of Sindh in 2002. The complainant also stated that he should be allowed to appear in the failure subjects of B.A.-II as a special case, as his result was announced very late, after the intervention by this Secretariat.

4. From the perusal of the record and from the hearing proceedings, I have reached to this conclusion that the basic lapse for not clearing the B.A. Part-I and II papers, even in the maximum allowable term of five years remains on the part of the complainant. In my opinion he should have been more mindful towards his studies and careful to clear the papers during the maximum period allowable under the University's rules and regulations. However, there has been a lapse on part of some officers in the Examination Department of the University of Sindh as well as due to their negligence the complainant was issued admit card to appear in examination in 2002. The University of Sindh, Jamshoro, is hereby advised to be more conscious and careful in future, in matters like this.

5. As the with-held result has already been announced by the University of Sindh, Jamshoro, the basic grievance of the complainant has been removed. However, his subsequent plea that he should now be allowed to appear in the papers in which he failed is not maintainable under the Rules and Regulations of the University of Sindh.

6. The complaint stands disposed of with above observations and is consigned to record accordingly.




(K. YOUSUF JAMAL)
Ombudsman, Sindh

Karachi, dated: 14.11.2007



DECISION

Complaint No. POS/429/07/D.G-I

Name and address of the complainant : Mr. M. Anwar Alam Siddiqui,
Nazim (Development), Jamia Darul
Uloom, Karachi No.14, Karachi.

Name of the Agency complained against : Sindh Environment Protection Agency,
Government of Sindh.

Name & Designation of Investigating Officer : Muhammad Iqbal Diwan,
Director General

Subject :- COMPLAINT AGAINST M/S. SUN → LIGHT PRODUCTS FOR NOT USING ENVIRONMENTAL SAFETY MEASURES.

COMPLAINT

Mr. Muhammad Anwar Alam Siddiqui, Nazim (Development), Jamia Darul Uloom, Karachi, vide his complaint dated nil, received in this Secretariat on 13.02.2007, complained against M/s. Sun Light Wood Products for not using environmental safety measures as saw dust along with chemical fumes blow over the area, affecting the health of the residents in the vicinity and students of Darul Uloom. He has therefore, sought the intervention of this institution.

REPORT OF THE AGENCY

2. A report called from the Director General, Environmental Protection Agency, reveals that an ~~authorized~~ inspection team with Nazim Darul Uloom, had visited M/s Sun Light Wood Products Industry on 26.04.2007. The team during the inspection found dust collectors and ring flicker cyclones installed and in operation during chip board making process. The team of EPA Sindh collected sample of dust concentration from said location and analyzed them. These samples have been found below the polluting limits prescribe under NEQS (National Environment Quality Standards). The complainants, however, have asserted that they face the hazardous effects of air pollution in November to February every year.

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COMPLAINANT'S REJOINDER

3. The complainant vide his rejoinder dated 13.06.2007 has repeated his previous contention. This position existed prior to installation of pollution control equipments.

POINT AT ISSUE:

4. Controlling pollution in air created by the saw-dust particles, released by the factory.

HEARING PROCEEDINGS

5. Several hearings were held and site inspection was carried out in presence of the complainant by the Environmental Protection Agency. The Environmental Protection Agency report suggests that they have engaged a team of clean air experts who were on a visit to Environmental Protection Agency to train their staff for recently installed air quality control equipment stations at few location at Karachi.

6. The report has found out that the factory is environment friendly and the owners have imported sophisticated equipment to control air quality. In hearings, EPA officials also revealed that such equipments is not installed in any other factory in the province which has now been installed and factory is not creating any environmental pollution. There are three important points to focus upon:

(a) Jamia Darul Uloom and the factory, both are located in close proximity to each other, like Siamese twins in a huge industrial area. None of this can be disengaged and relocated else- where. The creation of an ideal environment for students at Darul Uloom, in its present locale will be an utopian dream. The Darul Uloom, therefore, is destined to thrive in a highly polluted environment. Blissfully, its management remains unaware and least concerned that how toxic fumes billowing out from the industrial chimneys of the adjoining factories and chemical waste discharged by various industrial units into water bodies ^{have} ~~have~~ been continuously playing havoc to their well being and also to all those down-trodden people residing in the adjoining katchi abadies. These habitats have subsequently sprouted in the area.

Shah

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- (b) Other than this factory few other chip board factories, located in the area are also responsible for the release of saw-dust particles.
- (c) The problem is specific to wind which blows in the direction of Jamia Darul Uloom in the months of winter.

FINDINGS

7. In the light of the report furnished by Environmental Protection Agency, who at the time of site inspection with air quality experts and their sophisticated equipment has found the factory operating within the parameters of prescribed NEQS (National Environment Quality Standards). Moreover, the peculiar location of factory and Darul Uloom in proximity with each other, nothing much can be done in terms of an ideal environment and de-polluting the atmosphere. We can rely on the assurance provided by the factory owner that there will be no air pollution from the factory in future as they are ready to upgrade their pollution control equipment as and when required. An inspection team from Ombudsman's office shall inspect the premises alongwith Director General, Sindh Environment Protection Agency, Government of Sindh, (or his representative) by the end of November, 2007.
8. Hence, the complaint stands disposed of accordingly.



(K. YOUSUF JAMAL)
OMBUDSMAN, SINDH

Karachi, dated: 11th July, 2007



DECISION

Complaint No. :	POS/3880/2004/C
Name and address of the complainant :	Mr. Khalid Mehmood, C/o Proprietor M/s Mehmood Alam & Co: H.No.L-4, Block-B, Bagh-e-Malir City Karachi
Name of the Agency Complained against :	Irrigation & Power Department
Name & Designation of Investigating Officer :	Sayed Amir Ali Shah – Director General (A&C)
Subject :—	DELAY IN PAYMENT OF DUES AGAINST THE WORK DONE/SUPPLIES MADE BY THE COMPLAINANT IN THE YEAR 2003-2004

THE COMPLAINT

Mr. Khalid Mehmood, Proprietor of M/s Mehmood Alam & Company in his complaint dated 03.08.2004 alleged the officials of the Irrigation & Power Department, Government of Sindh, Central Sindh Mechanical Division, Jamshoro, were not clearing his outstanding dues of Rs.3300,564/- against the completed contracts during the year 2003-2004. He submitted that he had severally met the Secretary Irrigation & Power Department, Chief Engineer Sukkur Barrage, Superintending Engineering, Mechanical Circle, Hyderabad and Executive Engineer Central Sindh Mechanical Division but to no avail. Therefore, he sought our intervention.

COMMENTS OF THE AGENCY

2. The matter was taken up with the respective Agency. The Executive Engineer, Central Sindh Mechanical Division, Jamshoro, vide his report dated 04.12.2004 informed that the contractor had supplied the material/carried out the works under the clear condition that "Payment will be made to him on availability of Funds". He conceded the payment claimed by the complainant and stated that the outstanding payment is included in the list of liabilities furnished to Government through Chief Engineer, Irrigation, Sukkur Barrage and as soon as the requisite funds are received, payment would be made to the contractor.

COMPLAINANT'S REJOINDER

3. The complainant in his rejoinder dated 23.12.2004 requested for issuance of directives to the Agency for release of his payment at the earliest, since the payment was quite delayed.

4. Subsequently, the Section Officer (B&A) vide his report dated 23.12.2005 informed that the matter had gone before the Departmental Enquiry. The Enquiry Officer in his report intimated that the Executive Engineer had violated the instructions of Finance Department

and had incurred the expenditure without receipt of deposit from Civil Divisions. Regarding payment of liabilities, all such cases were to be scrutinized/finalized by the Committee constituted by the Hon'ble Minister Irrigation and Power Department and thereafter action was to be taken in the light of the report.

5. The said Committee vide its report dated 14.10.2006 concluded that all codal formalities in respect of the liabilities of M/s Mehmood Alam & Co: amounting to Rs.3300.546/- were complete. Similarly in another enquiry, the Superintending Engineer, Lower Sindh Drainage Circle Hyderabad vide his enquiry report dated 09.03.2007 also concluded that the claim of M/s Mehmood Alam & Co was genuine.

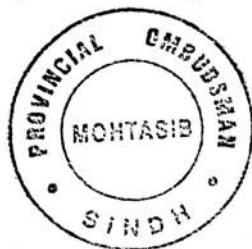
HEARING PROCEEDINGS

6. The matter was fixed for hearing on 17.05.2007 in which Superintending Engineer, Mechanical Circle Sindh and Executive Engineer, Central Sindh conceded the claim of the complainant. However, the Section Officer (B&A) furnished a letter of Chief Minister's Secretariat dated 29.03.2007, according to which matters regarding clearance of liabilities during the financial year 2006-07 were compulsorily required to be sent to the Chief Minister's Inspection, Enquiries & Implementation Team for investigation and verification. On receipt of the recommendations from the Inspection Team the Administrative Secretary would forward the case to the Finance Department for further action in the light of the recommendations of the Chief Minister's Inspection, Enquiries & Implementation Team.

FINDINGS

7. In view of the aforesaid, the Secretary Irrigation & Power Department, Govt: of Sindh, is advised to expedite the action and send the case to the Chief Minister's Inspection, Enquiries & Implementation Team for their verification etc as required under the hon'ble Chief Minister's instructions, so that the case of the complainant for payment of his lawful dues is not delayed any further. A copy of this decision is also being endorsed to Chairman, Chief Minister's Inspection, Enquiries & Implementation Team with a direction for expeditious disposal.

8. The complaint stands disposed of accordingly.



(K. YOUSUF JAMAL)
Ombudsman, Sindh

Karachi, dated 13th June, 2007.



DECISION

Complaint No.: POS/3757/05/KC

Name and address of the complainant: Mr. Abdul Saeed Khan Attorney of Muhammad Yousuf Siddiqi, C/11, Block-13, F.B. Area, Karachi.

Name of the Agency Complained against: Karachi Development Authority (defunct) / City District Government, Karachi (C.D.G.K)

Name & Designation of Investigating Officer: Mr. Ali Muhammad Rizvi, Regional Director, Karachi (Central).

Subject:— INORDINATE DELAY IN ISSUANCE OF FORMAL COMMERCIALIZATION LETTER AND FINALIZATION OF CASE OF AMALGAMATION OF PLOT NO.WSA-8, BLOCK-16, F.B AREA, KARACHI.

Mr. Abdul Saeed Khan, Special Attorney of Mr. Muhammad Yousuf Siddiqi filed complaint dated nil (received in this office on 11.06.2005) stating that after realization of due fee on 30.11.1998 the Karachi Building Control Authority allowed change of land use of the above mentioned plot but the Land Department, KDA (defunct) now City District Government, Karachi, failed to issue formal letter in this regard. He also added that the Agency also failed to finalize the case of amalgamation of the said plot despite his best efforts. He, therefore, sought my intervention in the matter.

2. Master Plan Group of Office, CDGK vide letter dated 25.08.2005 reported that KBCA issued No Objection Certificate regarding change of land use / conversion of the said plot from cottage industrial to Commercial on 01.12.1998. The Agency also added that the said plot is not covered under the change of land use / conversion policy, approved by the City Council vide Resolution No.383 dated 06.01.2004.

3. KBCA vide letter dated 24.11.2005 reported that application for commercialization of the said plot was received through Housing & Town Planning Department, Government of Sindh containing orders dated 17.07.1998 of the then Chief Minister Sindh "Allowed, issue challan in relaxation of ban". The Agency further added that Government of Sindh lifted the ban on change of land use on 20.07.1998 and as per the then policy in vogue, the Chief Controller of Buildings granted the approval for change of land use on 28.01.1998 and on payment of requisite fee NOC for commercialization was issued vide letter dated 01.12.1998. However, in the 10th meeting of Governing Body held on 15.06.1999 it has been decided that in future all cases of commercialization be initiated, processed and finalized by the Master Plan Department, KDA.

4. In its subsequent report dated 12.08.2006, Master Plan Group of Offices, CDGK reported that the case of the complainant would be finalized as per Tajveez -2, item 4 vide change of land use and Master Planning Byelaws 2003 i.e. subject to payment of difference of commercialization fee.

5. The complainant in his rejoinder dated nil (received on 13.10.2006) while reiterating his earlier statement added that demand of the Agency for payment of difference of commercialization fee is unjustified / unlawful as he had already paid the due amount at prevailing rate in 1998. He also stated that the Higher Courts of the country has already declared the demand of amount at enhanced rates for commercialization fee from the citizen and requested to direct the Agency to finalize his case without realization of fee at enhanced rate.

6. I have examined the case. The Chief Controller of Buildings approved change of land use of the subject plot and issued NOC on 01.12.1998 being the competent authority in view of the directives of the then Chief Minister Sindh. The complainant deposited the due amount on 30.11.1998 but his case was not finalized for reasons best known to the functionaries of Land Department, KDA. The rates of commercialization fee were enhanced in 2003 after about more than five years of the realization of amount from the complainant. Thus the demand about payment of differential amount is unjustified and contrary to law, as already held in a similar case decided vide Decision dated 15.03.2007 admitted vide No.POS/2297/06/F. I am of the firm opinion that if the matter could have been decided in 1998 this unpleasant situation might not have arisen.

7. Under the above circumstances, I, in exercise of powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, hereby direct the Agency to issue formal letter for commercialization of the subject plot without recovery of fee at enhanced rates. As for the request of the complainant for amalgamation of the said plot is concerned, the Agency is directed to finalize the same subject to payment of due fee and completion of all other formalities as required under the rules and bylaws. Compliance should be reported to me within sixty (60) days hereof.

8. The complaint stands disposed of with the above directives.



(K. YOUSUF JAMAL)
Ombudsman, Sindh

Karachi, dated 30th July, 2007



DECISION

POS/2621/N-363/2006

Complaint No. :

Name and address
of the complainant :

Mr. Allah Bux Bozdar,
Village Baqar Khan Bozdar, P.O. Naseer Fakir Jalalani,
Taluka Kotdiji, District Khairpur Mir's.

Name of the Agency
complained against :

Revenue Department, Government of Sindh.

Name & Designation of
Investigating Officer :

Ms. Samina Mangi,
Director, Regional Office, Sukkur

Subject :-

COMPLAINT AGAINST AMIR AZAM SOLANGI,
TAPEÐAR, DEH BUGRO, TALUKA & DISTRICT
KHAIRPUR MIR'S

Mr. Allah Bux Bozdar, filed a complaint dated 02.08.2006, against Amir Azam Solangi, Tapedar, Deh Bugro, Taluka and District Khairpur Mir's, who recovered Rs.5,500/- towards land revenue tax forcibly from him in respect of his land in excess of the due amount & by also charging him for 2002 & 2003, though the said tax was already paid by him for the same period. He, therefore, sought my intervention in the matter.

2. While the report called from the Agency in the matter was awaited, statement of the Tapedar complained against was received on record on 27.12.2006 wherein he contended that despite recovery of Rs.5,500/- from the complainant an amount of Rs.1,290/- was still outstanding against him. The Investigating Officer fixed the case for hearing the parties on different dates, finally on 06.02.2007, when the letter dated 15.01.2007 of the Mukhtiarkar (Revenue), Khairpur Mir's, was also received which revealed that the amount paid by the complainant in excess was adjusted towards the khata and revenue receipt in that context has been issued to him upto the year Kharif/Rabi 2006-2007. The complainant also confirmed the said position vide his application dated 06.02.2007 and requested us therein to close the case.

3. In view of the above, the complaint stands redressed and disposed of accordingly, with the directives to the Executive District Officer (Revenue), Khairpur Mir's to hold an enquiry for admitted recovery in excess for which receipt was issued for 2006-2007 and fix the responsibility for due action under the relevant law/rules.

(K. YOUSUF JAMAL)
Ombudsman, Sindh



Karachi, dated 26th February, 2007



DECISION

POS/6628/2005/M-33

Complaint No. :

Name and address
of the complainant :

Mr. Ibrahim Khan, House # 252, 4/D, Memon
Colony, Saeedabad, Baldia Town, Karachi.

Name of the Agency
complained against :

Police Department

Name & Designation of
Investigating Officer :

Masood Ishrat, Registrar

Subject :-

**COMPLAINT AGAINST THE HIGH-HANDEDNESS
OF SUB-INSPECTOR MUHAMMAD TUFAIL AND
OTHER POLICE OFFICIALS**

Mr. Muhammad Ibrahim in his complaint dated nil (received on 19.12.2005) alleged that Sub-Inspector Tufail arrested him on 16.09.2005 without any FIR, kept him in lock-up illegally for four days and received Rs.35,000/- as bribe for his release. He further alleged that the concerned authorities instead of taking action against the accused police officers were pressurizing him for compromise. Therefore, having failed to get relief from the authorities, he sought our intervention in the matter.

2. The matter was taken up with the Provincial Police Officer Sindh. The respective Agency forwarded a copy of report dated 10.12.2005 according to which investigation of seven (07) cases of Sher Shah Police Station was entrusted to the Police Officer complained against. The police arrested the accused including one Umer Khan (cousin of the complainant) and produced them before the court of law on 01.10.2005. The respective Agency further reported that allegations leveled against the said officer by the complainant were not proved as he had made complaints to pressurize the police officials who arrested his cousin.

3. In his rejoinder the complainant reiterated his earlier statement and pointed out that the accused officer came in the office of one Ishaq Qadri, Chairman, Social Welfare Association for return of Rs.35,000/- to him (the complainant) and requested for justice.


4. To thrash out the matter a series of hearings were held, which were attended by the complainant, his witnesses including Mr. Ishaq Qadri, accused Sub-Inspector Muhammad Tufail and others. Statements of all the persons were recorded. The Police Officer complained against, in his statement dated 01.04.2006, while denying the allegations stated that the complainant had submitted many complaints against him but failed to prove his allegations before the inquiry officers.

5. The complainant's main witness Mr. Muhammad Ishaq Qadri in his statement (on oath) dated 07.11.2006, while denying any relation in the matter stated that the complainant alongwith one Nawaz and Sub-Inspector Tufail came to him to resolve their dispute but not talked to him in the subject matter.

6. I have examined the matter thoroughly. The complainant and his witnesses failed to prove the allegations leveled in the complaint (received in this Secretariat on 19.12.2005) and it appears that the complaint was made just to pressurize the police officials in the case pending trial against cousin of the complainant.

7. In view of the above, the complaint stands rejected.




(K YOUSUF JAMAL)
OMBUDSMAN SINDH

Karachi, dated the 25th January 2007

Letters of Thanks





Acc

Gasoline Inn

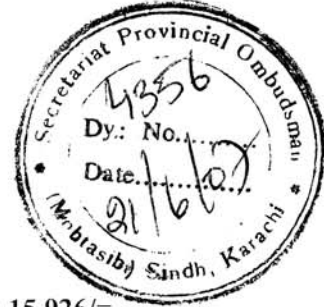


Ref: _____

Date: _____

Dated 21st June 2007

The Director General(A & C)/Adviser-C
Secretariat Provincial Ombudsman
(Mohtasib), Sindh, KARACHI



*work file
M. 21/6
forward*

Subject: DELAY IN CLEARANCE OF DUES OF Rs.15,926/=
TOWARDS SUPPLY OF POL ETC

Dear Sir,

Further to our letter dated 18th June, 2007 in response to your letter No.POS/1731/07/C.162-10390, dated 12th June, 2007. it is submitted that we have today received cheque No.1663080 dated 20th June, 2007 amounting Rs.15926/- from DDO Provincial Assembly Sindh as full and final payment.

We are very thankful to you for your co operation, endeavor and immediate action taken on our request for recovery of long outstanding dues.

Thanking you again and assuring you our full co operation at all times.

Yours Sincerely,

(Signature)
GASOLINE INN
Court Road, Opp. Sindh Assembly Bldg
KARACHI,
(AQIL ASHRAF TAIMURI)
Manager (Admin)

80



The Director General
(DR. Mohammad Ali Sheikh)
Provincial Ombudsman Sindh,
Shahrah-e-Kamal Ataturk, Karachi.

Reference: POS/2888/06/DG-II, Dated: 29-09-2007

Respected Sir,

With reference to your above referred letter, it is submitted that the City District Government Karachi has issued revised Site Plan & acknowledgement of Possession of my Plot, D-61, Block-1, Clifton, Karachi.

My problem has been solved by your honour's help. I have no more interest in Pursuence of this case.

There for it is requested that this matter/Case be disposed off as CDGK has provided me all required documents in this regard.

Thanking You.

Your's Obediently.

Mr. Imran Haider (Complainant)
Through Attorney Mr. Mohd Taqi.

Dated: 13-11-2007.

PA. put up

Asst.

13/11/2007



ہکیمات جناح سوبائی مکتبہ سنہ ۱۹۵۷ء
پرنسپل انجینئر لاہور

جناح اعلیٰ۔

آغا سمنگانی صاحب کے ساتھ اسٹیٹ
جائینجا اسٹیٹ ریجیو کیشن سینیئر لائیکارڈ فوٹو ما
گورننگ بکوریٹیم حکام سے شکایت مندر التعمیر
اچانگونس لائیکارڈ کے خلاف ایکٹ ایلو وھیس
بیکو منفقو میریبل بل ماسجک پاس ڈیپو
لڈھا ہے گورننگ بکوریٹیم مراعات ہے جیکو
لڈھا ہے منیر صفت جو عتاج ہے فون ڈریجی
مذکورہ التعمیر دفعہ منفقہ میریبل ہے بلن ہے
پاس نہ ہے جمع ہے دفعہ ہے ڈسٹرک اچانگونس
التعمیر فون پاس عیا عیسیٰ مونا و رسول عیا منفقہ
نہان لڈھا ہے گورننگ بکوریٹیم جو جناح خان
یوسف جمال عسری ہے مکتبہ اچانگونس عسری
جن جو یہ کتابت سکر صدر لڈھا ہے

۱۱/۵/۰۷

عزیز ار

پرنسپل
اسٹیٹ
جائینجا اسٹیٹ ریجیو کیشن سینیئر لائیکارڈ
۱۱/۵/۰۷

بحرہ وقت جناب محاسب اعلیٰ سے

مخبرہ۔۔ زکوٰۃ عامیہ ضلع نسکی پالانہ - ۱۲۔ مہینہ

جبے پگھار نہ ملے بابت کیس نمبر ۵۱۸

بابت درخواست۔

جناب اعلیٰ۔ تقریباً ۷ سالہ آپ اوقات کی خانہ

درخواست میں چئیں ضلع زکوٰۃ عامیہ

نسکی پالانہ مہینہ جون پگھاروں نہ قریب

حلاف شہادت عتی و تہے ہتہے،

اوقات صاحبہ جبے خصوصی توجہ یا انصاف

والی فیصلہ کانپور ضلع زکوٰۃ عامیہ نسکی

جبے چئیں پالانہ موتی حقے جبے ادائیگی کی

و تہے آہے۔

ہنگر مات پنہنجی درخواست کے ساتھ بدست برداریاں

تو اوقات صاحبہ میں مدد کر کے لای اوقات جو

تو لاتو اوقات۔ خدا تعالیٰ اوقات کی نیک پالیوں

عطا فرمائیں۔

Baf m

۱۱/۱۲/۰۶

درخواست کے لئے

وزیر اعلیٰ سومرو

غلام نبی سومرو

۱۱/۱۲/۰۶

34/c
Major (Retd) Muhammad Islam
501 Central Wksp EME
Chaklala
Tel : Mil 561 - 30921
PF/435/A

6 Mar 2007

To: Masood Ishrat
Registrar-M
Secretariat Provincial Ombudsman (Mohtasib)
Sindh, Shahrah-e-Kamal Ataturk - Opp, Sindh
Secretariat, Karachi

Subj: **Delay in Transfer of Family Pension in the name of the Complainant**

Your letter number POS/2985/06/M-45 of 26 Feb 2007 refer.

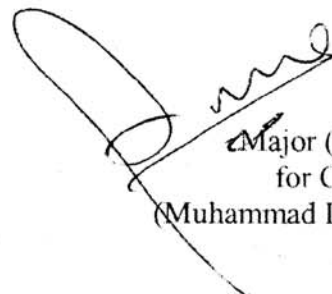
1. It is informed with great pleasures that by the Grace of Allah Almighty and your personal efforts/special interest, pension of Mst Raj Bibi Widow of Norang Khan has been finalized. Indeed we have no proper words to thank you for this act of kindness.

2. Case has been received by DAO Chakwal and payments are likely to be made to widow shortly.

3. Sir, I the undersigned on behalf of widow highly obliged for your prompt and favourable action/response.

4. Thank your very much.


19/3/07


Major (Retd)
for Comd.
(Muhammad Islam)

Statistical Analysis



6. Statistical Analysis

i. Evaluation of Operational Status

In the Annual Report 2006, the Office of the Ombudsman Sindh included a statistical analysis pertaining to cases decided in the office of the Ombudsman, which included information on the number of cases received with respect to the agencies falling under the jurisdiction of the Office of the Ombudsman Sindh. The effort was much appreciated, and it was decided to make it a regular feature of the annual report.

In 2007, the Office of the Ombudsman Sindh received a total of 7,937 number of complaints, as compared to 6,889 received during the preceding year. Out of these 7,937 complaints received during the year 2007, 466 pertained to the federal government agencies, as compared to 238 complaints in the previous year which were referred to the Federal Ombudsman. The remaining 7,471 were dealt with at the Office of the Ombudsman Sindh.

The break-up of these 7,471 complaints is given below:

	<u>Jan-Dec 2007</u>	<u>Jan-Dec 2006</u>
Admitted for Investigation u/s 10	3008	2203
Admitted u/s 33	530	13
Forwarded to the Agencies for necessary action	1300	1144
Rejected	1044	1340
Advised to approach the higher authorities / await action by Authorities	<u>1589</u>	<u>1951</u>
Total	<u>7471</u> =====	<u>6651</u> =====
Federal Agencies	466	238
Grand Total	<u>7937</u> =====	<u>6889</u> =====

The break-up of the 1044 cases rejected is given below:

Service matters	222	256
No case of Maladministration	268	470
Private matters	68	76
Sub-judice	49	75
Anonymous	339	386
No personal grievance	06	02
Time barred	47	65
Closed on account of no response from complainants	<u>45</u>	<u>10</u>
Total	<u>1044</u> =====	<u>1340</u> =====
Total no of Cases Decided:		
Relief	1906	951
Rejected	<u>802</u>	<u>1172</u>
Total cases	* 2708 =====	<u>2123</u> =====

* includes cases under Section 33

The total no of cases decided during the year was 2708 which constituted an increase of approximately 28% on the 2123 number of cases decided in the year 2006. The number of cases decided under section 33 of the Ombudsman Act 1991 also increased to 530 from the 13 cases handled during the previous year; this shows a proactive approach by the investigation officers who exercised initiative and decided cases independently to the entire satisfaction of complainants.

An analysis of the total number of cases admitted reveals that the highest number of complaints i.e. 637 pertained to the Home Department/Police was almost doubled from the 376 recorded last year. The second highest pertained to Zakat & Ushr i.e. 570. This is a phenomenal increase considering that last year the number of complaints was only 40; this could also be attributed to the awareness campaign launched last year through which people came to know about the services available with the Office of the Ombudsman Sindh. The complaints against the other departments i.e. CDGK, Revenue, Local Government, Education, Irrigation & Power, registered in the range of 200-300 as these departments had historically shown a trend of high complaints registration.

An analysis of the number of cases rejected reveals a full 32.5% fall in the anonymous category, and approximately 50% fall in those pertaining to the service matters and those which did not show any evidence of maladministration.

The increase in the rate of complaints received from 6651 in the year 2006 to 7471 during the year 2007 {see data above} indicates that the awareness campaign is showing results. To further improve the situation an implementation cell has been established in the Office of the Ombudsman Sindh. Besides, a Monitoring Cell has also been established to streamline the decision making process. Measures have been adopted to allow for continuous monitoring by reporting and analyzing the “the Number of Cases Handled” by each investigation officer during the year and also reporting the implementation status of the cases handled by him.

It is expected that with computerization of data and induction of new staff the situation will further improve.

The number of representations to Governor received during the year was 13 while seven cases were brought forward from previous years.

The number of representations decided during the year was 20, with 19 rejected and relief provided in one case.

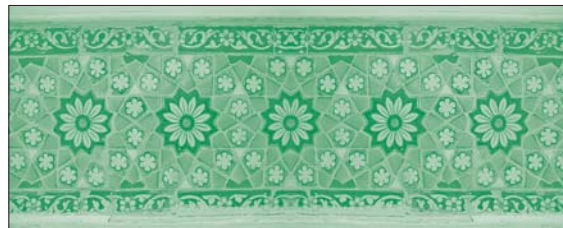
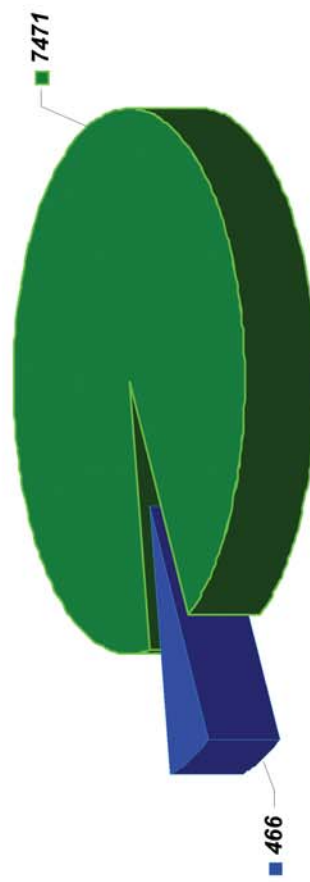


CHART - 1
RECEIPTS OF COMPLAINTS DURING
JANUARY TO DECEMBER 2007



TOTAL 7937

■ PROVINCIAL AGENCIES ■ FEDERAL AGENCIES

CHART - 2
ACTION TAKEN ON COMPLAINTS RELATING TO PROVINCIAL AGENCIES AFTER INITIAL EXAMINATION
DURING THE PERIOD
JANUARY TO DECEMBER 2007

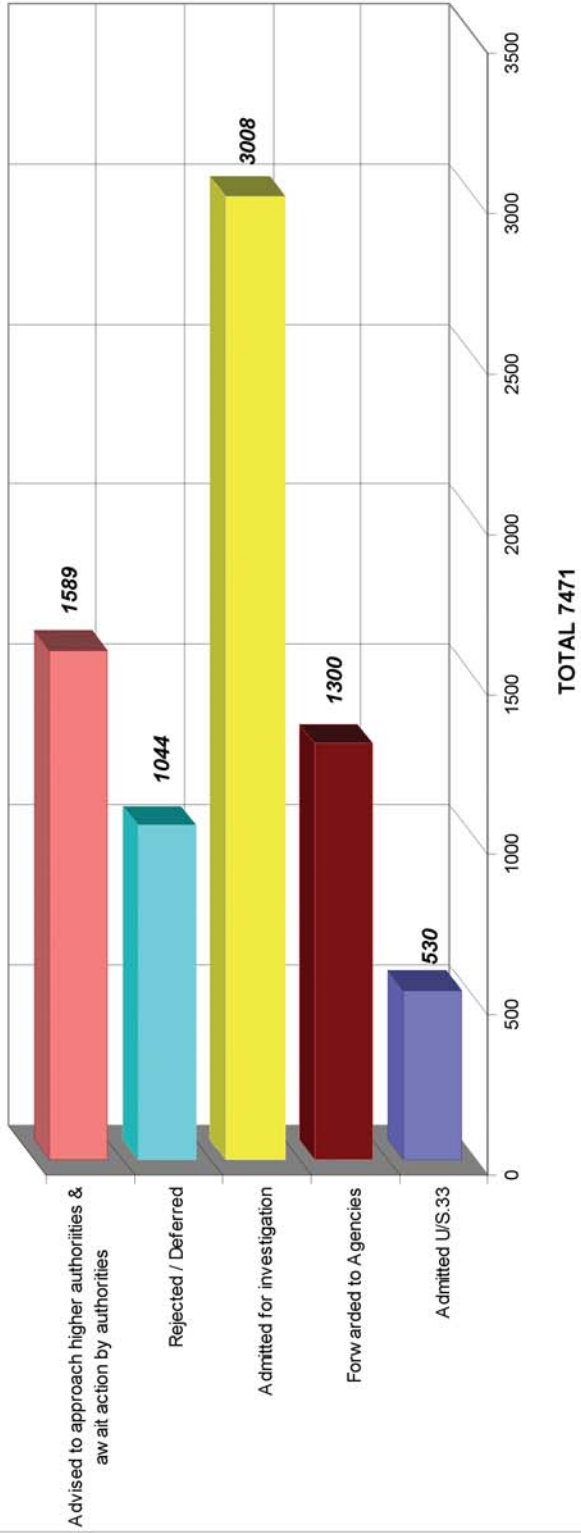


CHART - 3
NATURE OF COMPLAINTS AGAINST PROVINCIAL AGENCIES REJECTED/NOT ENTERTAINED
AFTER INITIAL EXAMINATION DURING THE PERIOD JANUARY TO DECEMBER 2007

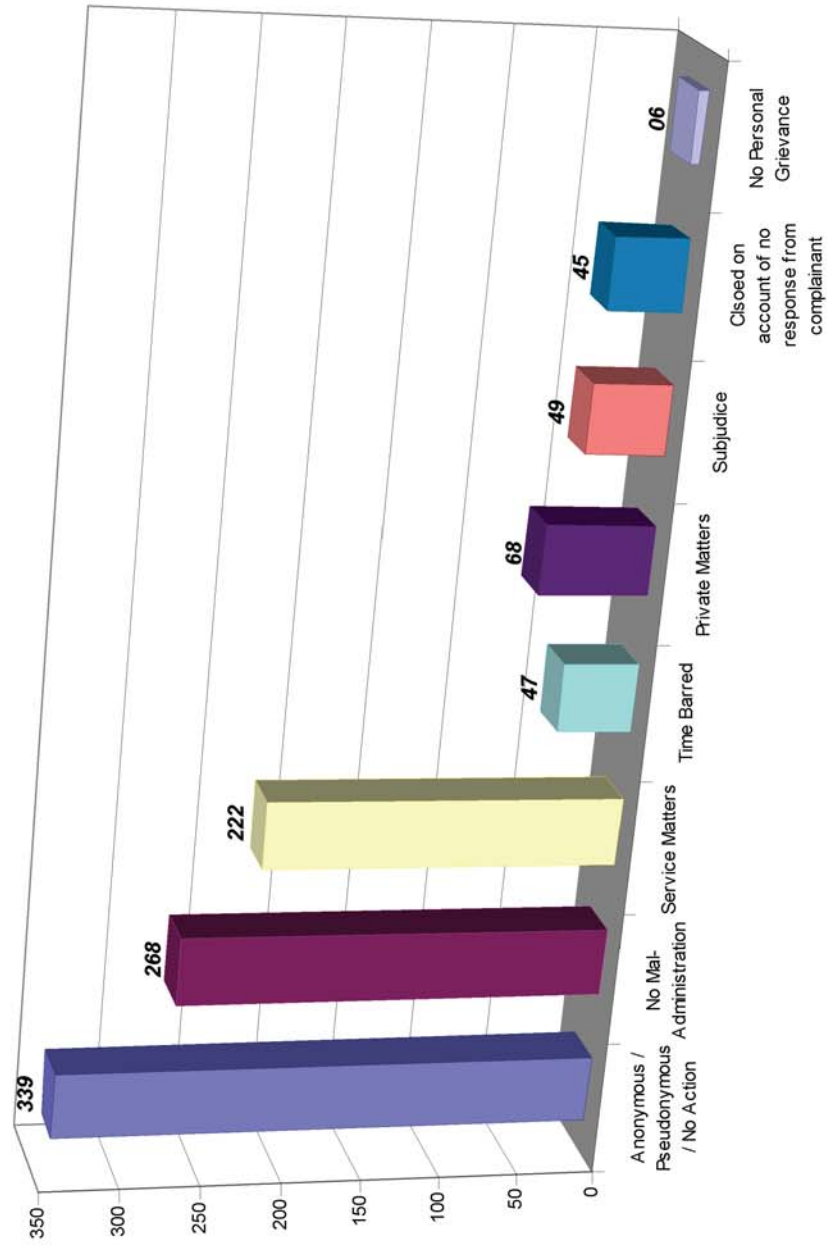
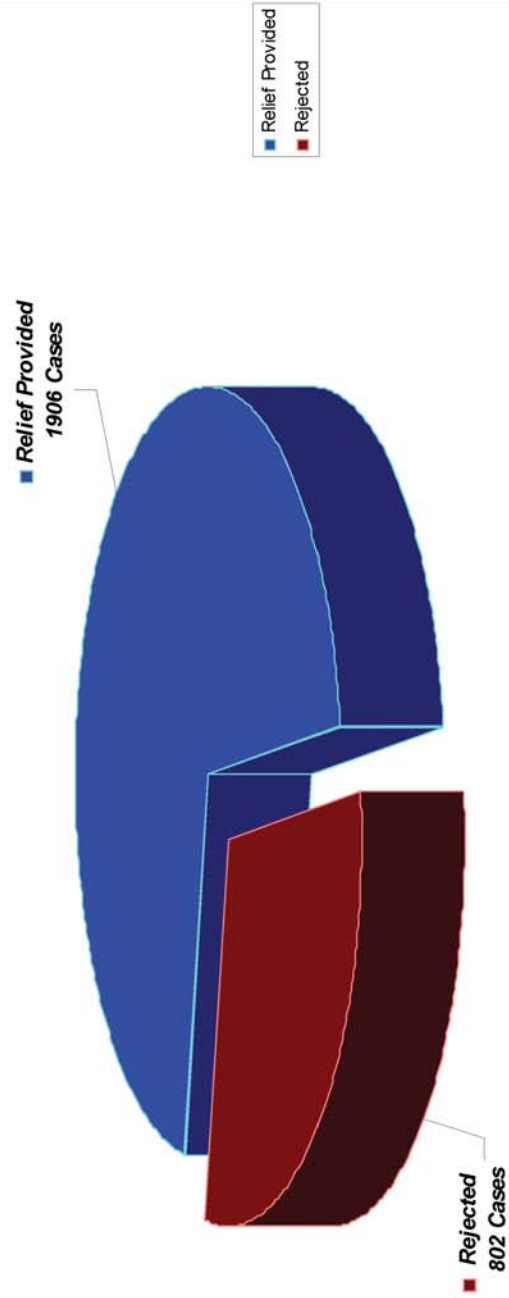
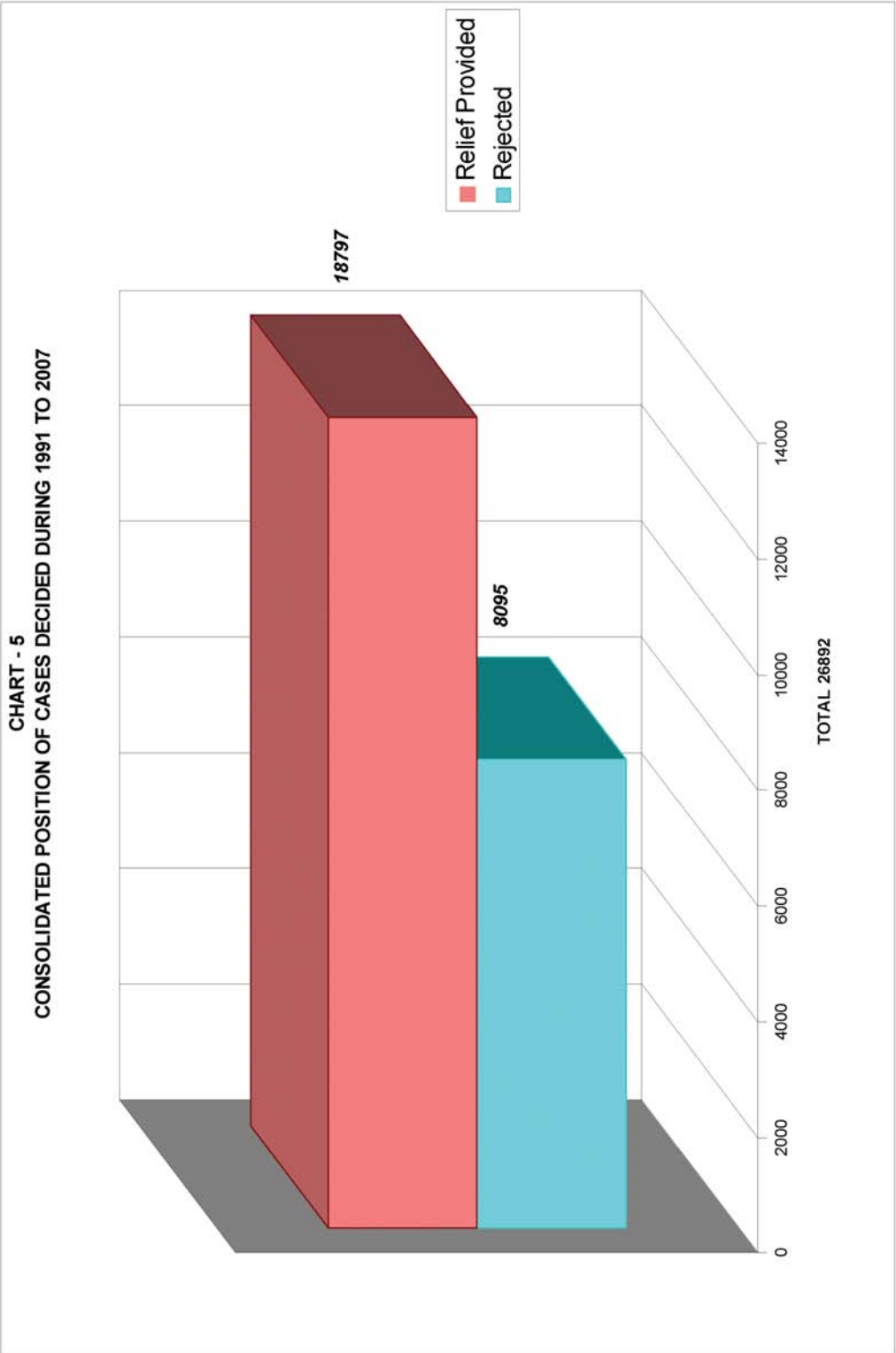


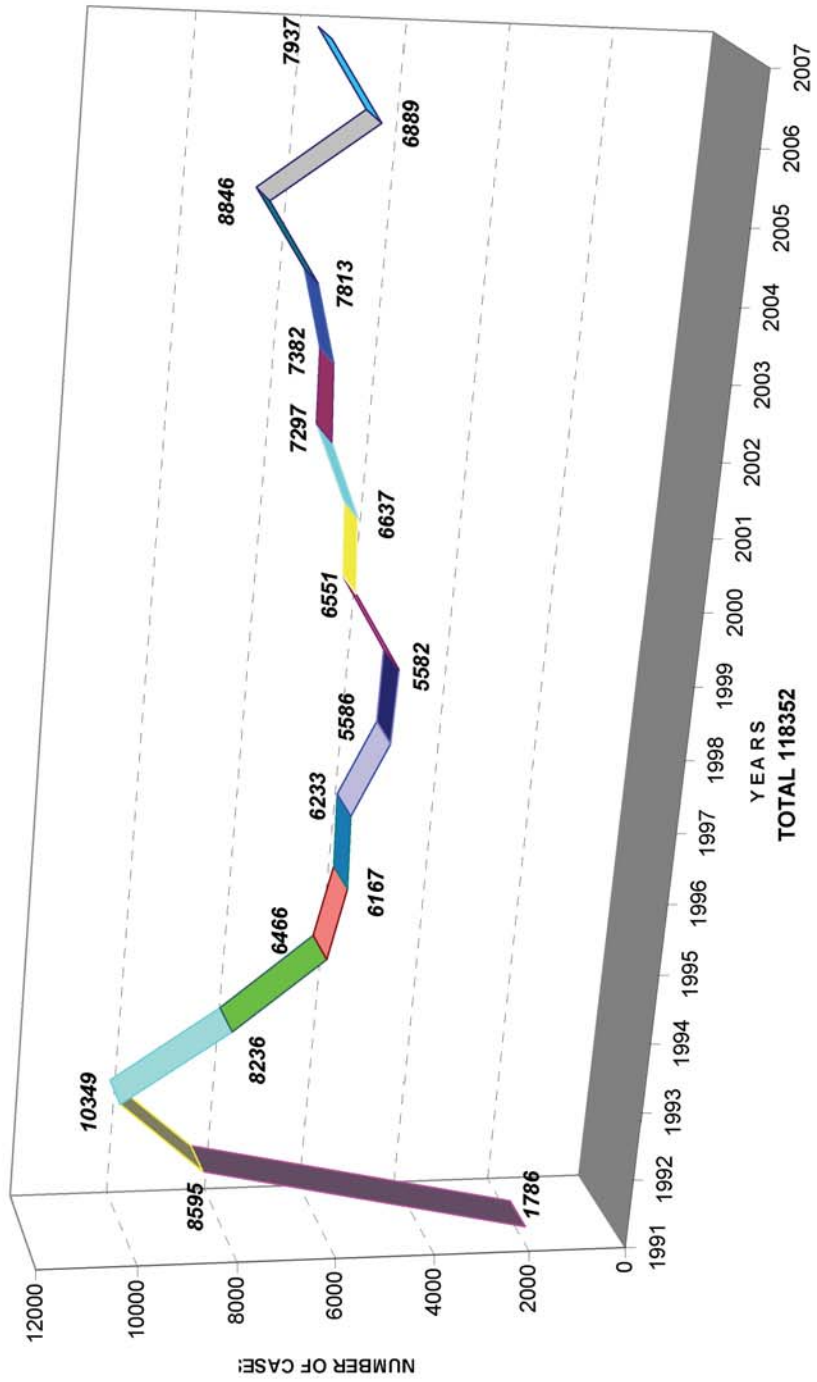
CHART - 4
POSITION OF CASES DECIDED DURING JANUARY TO DECEMBER 2007



TOTAL 2708



**CHART - 6
YEAR-WISE BREAK-UP OF COMPLAINTS RECEIVED DURING 1991 TO 2007**



وقت کی ضرورت۔ سول سوسائٹی کے ساتھ شراکت

یوں تو حکومت کے تمام محکمے عوام کو سہولتیں مہیا کرنے اور عوامی مسائل سے عہدہ برآ ہونے کے لیے بنائے جاتے ہیں لیکن ان کی بناوٹ میں جو دراڑیں یا شکاف رہ جاتے ہیں ان سے فائدہ اٹھانے والے اشخاص محکموں کی بدنامی اور محکمے کو اہداف سے گمراہ کرنے کا کام اپنی غرض اور مفاد میں شروع کر دیتے ہیں جس سے کبھی کبھی یہ محکمے کسی شخص یا ضرورت مند کے لیے رحمت کے بجائے زحمت بن جاتے ہیں۔ صورت حال سے نمٹنے کا ایک طریقہ تو عدلیہ ہے کہ محکموں میں اگر کہیں نا انصافی ہو رہی ہے تو عدالت کا دروازہ کھٹکھٹایا جائے لیکن اس طریقہ کار میں اخراجات اور وقت کی جو طوالت ہے اس کے پیش نظر لوگ عدلیہ کی جانب رخ نہیں کرتے جس کا ایک فائدہ بھی ہے کہ عدلیہ پر کام کا بہت زیادہ بوجھ نہیں ہونے پاتا۔

عام طور پر دیکھا گیا ہے کہ محکمے کے ذریعے پیش آنے والی نا انصافی کے لیے محکمہ جاتی تفتیش کا سہارا لیا جاتا ہے یعنی متعلقہ افسر کی شکایت افسر بالا سے کی جاتی ہے وہ اپنے طور پر تفتیش کرتا ہے اور پھر شکایت کا ازالہ یا تو داخل دفتر کر کے ہو جاتا ہے یا حقیقی طور پر اس کی شکایت کو نمٹا دیا جاتا ہے۔ اس طریقہ کار میں یہ امکان موجود رہتا ہے کہ محکمہ جاتی تفتیش میں بالعموم محکمے کی جانبداری کا جذبہ پیدا ہو سکتا ہے تاکہ محکمے کی بدنامی نہ ہو تو عام لوگ کھلے دل سے اس طریقہ کار کا سہارا نہیں لیتے۔

حکومت کے محکموں اور ان کی کاروائیوں سے متاثر ہونے والے افراد کے مسئلے کے پیش نظر درمیانی راستہ نکالا گیا ہے جس کا تعلق نہ تو عدلیہ سے ہے اور نہ محکمہ جاتی تفتیش سے بلکہ ان کے درمیان ایک نگران محکمہ قائم کر دیا گیا ہے جو عوام کی کسی بھی محکمے سے متعلق شکایت کی آزادانہ طور پر تفتیش کرتا ہے اور اپنا فیصلہ سنا کر اس کا ازالہ کر دیتا ہے۔ انتظامیہ کے اندر یہ نیم عدالتی طرز اختیار کرنے کی تاریخ تو بنو عثمان کی خلافت کے زمانے سے شروع ہوتی ہے جہاں خلیفہ کا نامزد محتسب حکومتی اداروں سے متعلق شکایات کی سماعت کر کے ان پر فیصلہ سنایا کرتا تھا۔ اس طریقہ کار کو سویڈن کے شہزادے نے ترکی میں اپنی جلاوطنی کے زمانے میں مشاہدہ کیا اور دوبارہ حکومت حاصل کرنے کے بعد سویڈن میں اسے انیسویں صدی کی اختتامی دہائی میں Ombudsman کے نام سے متعارف کرایا جو بادشاہ کا نمائندہ ہوتے ہوئے انتظامیہ کے امور کی نگرانی کرتا تھا اور عوام کی محکمے سے متعلق شکایات کی چھان پھٹک کر کے اصلاح کرتا تھا۔ یہ ایک سائنسی طریقہ کار تھا جو دیکھتے ہی دیکھتے دنیا کے ساٹھ ملکوں سے زائد میں رائج ہو گیا اور پاکستان میں بھی پہلی بار وفاق میں اور پھر صوبوں میں محتسب کا تقرر عمل میں آیا۔ جمہوری ملکوں میں محتسب بادشاہ کے بجائے مملکت کا نمائندہ تصور کیا جاتا ہے۔

محتسب کی موجودگی میں غیر ضروری لیت و لعل یا قواعد و ضوابط کو توڑ مروڑ کر بدعنوانی کے مرتکب پائے جانے والے محکمے کے افسران کے خلاف کارروائی کا آغاز ہوا جس سے محکموں کی کارکردگی میں بڑی حد تک اصلاح شروع

ہوئی۔ افسروں کی من مانی یا لالچ اور دباؤ کا اثر کم ہونے لگا لیکن طریقہ کار کا مکمل طور پر تعارف اور اس پر عوام کا اعتماد نہ ہونا ایک بڑا مسئلہ رہا ہے۔ بہت کم لوگ یہ جانتے ہیں کہ اگر کسی محکمے سے ان کے کام میں کوئی نا انصافی یا بد عنوانی ہو رہی ہو تو وہ محتسب کے ذریعے بغیر رقم خرچ کیے کم سے کم مدت میں اسے حل کر سکتے ہیں یوں وہ عدالت جانے سے بچ سکتے ہیں۔ دوسرے اگر وہ اس ادارے سے متعارف بھی ہیں تو انھیں یقین نہیں ہوتا کہ ادارے کے ذریعے انھیں انصاف مل جائے گا اور ان کی شکایت کے ازالے میں تاخیر نہ ہوگی۔ یہ بھی اس نئے محکمے کے لیے سوالیہ نشان رہا ہے۔

قانونی طور پر جو کام یہ محکمہ انجام دیتا ہے اس سے ملتا جلتا کام معاشرتی سطح پر سول سوسائٹی نے بھی اپنے ذمہ لیا ہے۔ سول سوسائٹی ایسے غیر سرکاری اداروں کا نام ہے جن کا تعلق براہ راست حکومت سے تو نہیں ہے لیکن حکومت کے مقاصد اور اہداف کو نجی طور پر پورا کرنے کے لیے تنظیموں کے ذریعے سول سوسائٹی انجام دیتی رہتی ہے جیسا کہ ہم دیکھتے ہیں کہ تعلیم و صحت، قانون کی عملداری، مثلاً بچوں سے جبری مشقت، خواتین کے ساتھ غیر مساوی رویہ وغیرہ سے نبرد آزما ہونے کے لیے تنظیمیں بنائی گئی ہیں اور غیر سرکاری سطح پر وہ ان برائیوں سے برسر پیکار بھی ہیں جو صحت و تعلیم یا قانون کی عملداری وغیرہ میں پیش آتی ہیں۔ سول سوسائٹی میں ایسی تنظیمیں بھی شامل ہیں جو مخصوص پیشوں یا ذمہ داریاں انجام دینے والے اور مشترکہ مفاد رکھنے والے بناتے ہیں جن میں ڈاکٹروں اور وکیلوں کی انجمنیں یا پھر تاجروں اور صنعت کاروں کی انجمنیں وغیرہ شامل ہیں۔ ان سب کا کام حکومت کی پالیسیوں یا ضابطوں اور قوانین کی عملداری کی نگرانی کرنا اور انھیں جائز طریقے پر رائج کرنے کے اقدامات اٹھانا ہوتے ہیں۔ سول سوسائٹی کا غیر سرکاری مقصد ادارہ محتسب کے قریب تر ہو جاتا ہے۔ سول سوسائٹی کے لیے ادارہ محتسب ایسی لاٹھی ہے جس کا سہارا لے کر سفر کو آسان بنایا جاسکتا ہے۔ خود ادارہ محتسب کے لیے سول سوسائٹی کا تعاون انتہائی اہم اور گراں قدر ہے کیوں کہ ادارہ محتسب اپنے اہداف حاصل کرنے میں جو دشواری محسوس کرتا ہے اس میں سے ایک تو عوام میں ادارہ محتسب سے متعلق آگہی کا مسئلہ سول سوسائٹی حل کر سکتی ہے لوگوں تک اگر ادارہ محتسب کا مقصد مکمل طور پر تعارف ہو تو عدلیہ پر بوجھ بھی کم ہو جائے گا اور متاثرین آسانی سے نا انصافیوں اور بد عنوانیوں کے خلاف مقابلہ بھی کر سکیں گے۔ سول سوسائٹی کا تعاون اور اشتراک اگر شامل رہے تو عوام محکموں کے ذریعے زیادہ سے زیادہ بہتر مراعات اور انتظامی انصاف بھی حاصل کر سکتے ہیں اور کسی مزاحمت یا رکاوٹ کے پیش آنے پر سول سوسائٹی کے ذریعے یا شخصی طور پر خود بھی ادارہ محتسب سے مدد لے سکتے ہیں۔

بہتر طرز حکومت کی بنیاد یہی سمجھی جاتی ہے کہ افراد کے بجائے قانون کی حاکمیت ہو۔ ادارہ محتسب یہ موقع فراہم کرتا ہے کہ محکمہ جاتی افراد کی بالادستی یا بد عنوانی کے خلاف شکایت کا ازالہ کیا جائے تو دوسری طرف سول سوسائٹی عوام کے مسائل کو حل کرنے میں جو سرکاری سطح پر مدد کی خواہاں ہوتی ہے اس کو بھی آسانیاں فراہم کی جائیں۔ یہ کہنا بے جا نہ ہوگا کہ سول سوسائٹی اور ادارہ محتسب کی شراکت سے یا باہمی اشتراک عمل سے بہتر طرز حکومت کی راہیں ہموار ہو سکتی ہیں۔



محتسب سنڌ جو ايڪٽ 1991ع

سيڪشن 33 جي تشريح ۽ سمجهاڻي

محتسب سنڌ جي ايڪٽ 1991ع جي سيڪشن 33 ۾ هيئن لکيل آهي:

”هن ايڪٽ ۾ جيڪي ڪجهه درج ٿيل آهي، انهيءَ کان هتي، محتسب ۽ سندس اساف جا ميمبر اهو اختيار به رکن ٿا ته هو ڪنهن به لکيل يادداشتنامي يا شڪايتن جي لکيل اختصار يا نوٽيسن جاري ٿيڻ وغيره کان سواءِ ئي ڪنهن به شڪايت جي داد رسيءَ لاءِ، غير رسمي نموني ۾ حل ڳولن، ڌرين جو ٺاهه ڪرائن، خاطر خواه نموني ۽ سرچاءِ ڪن ۽ مسئلي جو فيصلو ڪري ڇڏن.“

(2) محتسب هن سيڪشن هيٺ واسطيدار ڌرين سان لاڳاپو ڪرڻ واسطي، مقامي ليول تي، معاوضي

تي يا بنا معاوضي، بلڪ ڪن به شرطن شروطن تي امين يا مشير يا صلاحڪار مقرر ڪري سگهي ٿو.“
تشریح ۽ سمجھاڻي:

”محتسب جي عدالت“ به هڪ قسم جي عدالت آهي. انگريزي ٻوليءَ ۾ گهڻن ئي جاين کي ”ڪورٽ“ ڪوٺيندا آهن پر عدالت کي به ڪورٽ ڪوٺيندا آهن ۽ سنڌ ۾ اهو لفظ ايڏو ته عام مشهور ٿي ويو آهي، جواڻ پڙهيل ماڻهو به ”ڪورٽ“ جو لفظ ٻڌڻ شرط معاملي کي سمجهي ويندو ته اتي ڪو ڪيس آهي، جنهن جو فيصلو ٿيڻو آهي.

ڪورٽن جا گهڻي قسم آهن. هڪڙيون فوجدار (CRIMINAL) ڪيس ٻڌڻ ۽ فيصلا ڏيڻ لاءِ آهن. منجهن چورين، ڌاڻن، ڦرين، قتلن ۽ ٻين اهڙن ننڍن وڏن ڏوهن جا ڪيس هلندا آهن. ٻيون ديواني ڪورٽون، جن کي انگريزيءَ ۾ ”سول ڪورٽون“ ڪوٺيندا آهن، انهن ڪورٽن ۾ ملڪيت جا تڪرار ۽ ٻيا اهڙا معاملو فيمل ڪرڻ لاءِ ڪيس هلندا آهن.

فوجداري ڪورٽن يا سول ڪورٽن ۾ به بنيادي ڳالهون هڪجهڙيون آهن. اهي هيءَ آهن ته هر ڪو معاملو ۽ مسئلو قانون موجب طئي ٿيندو. جيئن ته ”قانون“ جو علم وڏي ڳالهه آهي، ان ڪري قانون جاماهر يعني وڪيل ئي ڪورٽن ۾ فريادين ۽ جوابدارن جا ڪيس هلائيندا آهن ۽ پنهنجي في وٺندا آهن، ڪي وڪيل ته هزارين بلڪه لکين رپيا في وٺندا آهن سو ڪورٽن ۾ انصاف حاصل ڪرڻ لاءِ ڪيس وجهڻ ۽ وڏي في ڏئي ڪو قابل وڪيل ڪرڻ هر ڪنهن ماڻهوءَ جي وس جي ڳالهه ڪانهي.

سرڪار ماڻهن جي مجبوريءَ کي ڏسي کين سولائي سان انصاف ڏيڻ لاءِ محتسب جي عدالت يا ڪورٽ قائم ڪئي آهي. منجهس مکيه سهوليت اها آهي ته ڪيس وجهڻ لاءِ وڪيل ڪرڻو ئي ڪونه ٿو

ٻوي ڪوبه ماڻهو پنهنجو ڏک سور اچي پني تي لکي محتسب جي عدالت ۾ کڻي اچي. ضروري ڪارروائيءَ کان پوءِ سندس ڪيس داخل ٿيندو. ڪيس ڪوبه خرچ ڪرڻو نه پوندو. محتسب جي عدالت به هڪ سرڪاري قانون هيٺ ٺهيل آهي، جنهن کي محتسب جو ايڪٽ 1991ع ڪوٺين ٿا. انهيءَ ايڪٽ ۾ محتسب جي عدالت لاءِ سڀ ڳالهين لکيون پيون آهن. منجهس محتسب جا اختيار به لکيل آهن، جيڪو محتسب جو فيصلو ڪونه مڃيندو تنهن کي انهيءَ بيحرمي جي سز به ڏني سگهي ٿو. مطلب اهو ٿيو ته محتسب جي عدالت ۾ به قاعدي قانون سان ڪم هليو.

پر، محتسب جي عدالت جي هڪڙي خصوصيت اها به آهي ته هو سيڪشن 33 هيٺ، پن تڪراري ڌرين جي وچ ۾ شڪايت جو اصل سبب دور ڪرڻ ۽ پنهني ڌرين ۾ سرچاءُ ڪرڻ لاءِ رسمي ليٽر بازيءَ کي ڇڏي ڏئي ۽ ڪي به اشراف امين ۽ صلاحڪار مقرر ڪري جيڪي انيءَ ئي تڙ جا عزت وارا ماڻهو هجن معاملي جي مڙني پاسن کي سمجهندا هجن. اهي سڀ حقيقتون معلوم ڪري محتسب صاحب کي اچي انهن کان واقف ڪن. محتسب جي مرضي آهي ته انهيءَ محنت ۽ مشقت جو ڪين اجورو ڏئي يا هو خدا ڪارڻ اهو ڪم خير ۽ پلائيءَ لاءِ ڪن. اهڙيءَ ريت، محتسب صاحب سڄو ۽ سربستو حال احوال معلوم ڪري تڪراري ڌرين کي سڏي ۽ سڏن ئي پلائيءَ لاءِ ڪين تڪرار ۽ جهيڙي ڪرڻ بدران ٺاهه ڪرڻ تي آماده ڪري ته جيئن اهو معاملو ۽ مسئلو خير خوبيءَ سان نبري وڃي ۽ ٻئي ڌرين به راضي پاڻي ٿي وڃن.



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