



Office Of The Ombudsman Punjab

## **Annual Report 2014**

## FOREWORD

The institution of Ombudsman stands poised between the legislature and the executive by discharging almost judicial functions in the citizen's dispute with the Government. Section 28(1) of the Punjab Office of Ombudsman Act, 1997 provides clear linkage between the institution and the Provincial Assembly, and inter alia, provides for placement of the Annual Report before the Governor as repository of legislative power. In pursuance of the statutory requirements, Annual Report has been compiled for submission to the Governor Punjab.

2. The year 2014 saw a paradigm shift in the complaint handling process ensuring speedy redressal of public grievances. A project to extend outreach of this Office to district, tehsil and union council level was initiated with the objective of providing justice and relief to the people of Punjab at the door steps in all the Districts of the Province. The practice so far has been to trouble the complainants and the representatives of the Government agencies from all over the Province to attend our Offices in Lahore, Multan, Rawalpindi and Sargodha. To simplify and open up, existing personnel and logistics of this Office have been spread in all 36 Districts of the Province. Now the complaints are registered, heard and speedily decided in the District Headquarters.

3. To institutionalize this arrangement, a summary was submitted to the Chief Minister in May 2014 but the outcome is still awaited. The fledging District Offices, despite logistic and other constraints, have done well and the initial feed back of the last six months have been quite encouraging and fruitful.

4. Notwithstanding the legal position and the spirit of Ombudsman Act 1997, the agencies/departments often appear to be reluctant to implement the findings of the Ombudsman either by representing to the Governor or even going for Writ Petitions in the High Court when the representation fail before the Governor, and some time resort to a defiant silence. Time line given in

the findings, more often are not observed, which defeat the purpose of providing speedy relief to the complainant.

5. Our main objective is to protect the rights of the people from administrative injustice by making efforts to remove any manifestation of maladministration and thereby improve good governance. Indeed quintessence of good governance is all about delivery of service.

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# **Chapter -1**

## **Introduction**

### **1.1 Executive Summary**

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- 4.3 Important Findings – Reorientation of the Perspective



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### **Interface with media:**

- Mulling over Media reports to minimize “maladministration” in governance.

## Introduction

### **Brief Background:**

In 1809 the Swedish Parliament made the decision to appoint an Ombudsman to supervise the King, his officers and courts. In Swedish, the term Ombud means representative. There is no one universal definition of an Ombudsman. One of the most commonly accepted definitions of the Ombudsman describes him as a “legislative commissioner for investigation citizens’ complaints of bureaucratic abuse.” It is widely recognized that the main difference between an executive complaint handling agency and the Ombudsman lies in the fact that the latter has a clear linkage with the legislature while the former has no such concept.

Despite the fact that the first Ombudsman institution was established more than 200 years ago, the concept only started to experience a dynamic and global spread some 60 years ago.

In 1978 a seminar organized by the U.N. Commission on Human Rights resulted in draft guidelines on a proposed structure and function of a National Human Rights Institution. In 1991 the Paris Principles were drafted which were endorsed by the U.N. General Assembly in 1993. The Paris Principles while not explicitly referring to Ombudsman set out standards for such institutions. The U.N. General Assembly Resolution 63/169 on the role of Ombudsman refers to human rights standards, the rule of law and the principles of justice. Resolution 65/2007 also refers to the role of Ombudsman. Both these resolutions see the role of the Ombudsman in promoting good governance in public administration and in

strengthening the delivery of public services. Because of this role some scholars like to call this institution as integrity arm of the Government.

The institution of Ombudsman now exists in more than 60 countries of the world. There are variations in their organizational structure and operational purview. But the common attributes which are deemed necessary envisage that the institutions must be legally established; functionally autonomous; external to administration; operationally independent of both the legislature and executive; non partisan; freely accessible and visible.

In short, Ombudsman is an independent and impartial person appointed under the authority of law to whom the citizen can turn without expense or formalities for securing redressal of injustice done by public functionaries. He performs quasi judicial functions but does not form part of the judiciary. He is thus unhampered by technicalities and constraints of legality in his quest for substantive administrative justice for the aggrieved citizen.

In Pakistan it was first set up at the Federal level in 1983. Later, after Sindh it was established in Punjab on 3<sup>rd</sup> September, 1996 through an Ordinance and finally Punjab Office of Ombudsman Act 1997 was promulgated.

The Office of Ombudsman Punjab has been established with the prime objective to provide protection for the rights of the people, to ensure adherence to the rule of law; to suppress corrupt practices, to diagnose, redress and rectify any injustice done to a person through 'maladministration'.

'Maladministration' includes:-

- (i) A decision, process, recommendation, act or omission or commission which:-
  - a) Is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons; or
  - b) Is perverse, arbitrary or unreasonable, unjust biased, oppressive, or discriminatory; or
  - c) Is based on irrelevant grounds; or
  - d) Involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as bribery, jobbery, favoritism, nepotism and administrative excesses; and
- (ii) Neglect, inattention, delay, incompetence, inefficiency and inaptitude, in the administration or discharge of duties and responsibilities.

The institution is simple in procedure, easily accessible and Inexpensive. The day to day working of the office does not invoke orthodox procedural and legal formality. A complainant may file his complaint either by post, e-mail or in person according to his/her convenience. The format of the complaint is not prescribed. The complaint may be submitted on a simple plain paper with a copy of Identity Card and an affidavit. No stamp is required to be affixed on the affidavit. There is no court fee, likewise the appearance of counsel is also not required.

The complaint is normally registered on the day of its receipt. On receipt of the report from the department, a copy is sent to the complainant for his rejoinder. Personal attendance of the complainant is not required on each day of proceedings. The complainant is required to attend the office only once or twice to resolve the problem in presence of the representative of the department. Normally the complaints are decided within three months or even earlier except in certain complicated cases.

We prefer to attempt to provide normal mediation service wherever such an approach is productive. The approach not only tends to result in greater satisfaction among all the parties but frequently provides a more rapid resolution than a full investigation oriented to a finding of right or wrong. Any person aggrieved by the decision of the Ombudsman may file a representation to the Governor.

The law empowers the Ombudsman Punjab to entertain complaints against any department, commission or office of the Provincial Government or a statutory corporation or other institution established or controlled by the Provincial Government but does not include the High Court and the Courts working under the supervision of High Court and Provincial Assembly and its Secretariat.

Under section 9(1) of the Act the Ombudsman on a complaint of any aggrieved person, on a reference by the Government or the Provincial Assembly or on a motion of Supreme Court or the High Court or on his own motion (suo motu) can undertake any investigation into any allegation of 'maladministration' on the part of any agency or its officers or employees.

The Ombudsman has no jurisdiction, however, to investigate or enquire into matters which (a) are subjudice before a court of competent jurisdiction (b) relate to the external relations of Pakistan or connected with defence of Pakistan or Military, Naval and Air Forces of Pakistan, or the matters covered by the laws relating to those forces. The Ombudsman also cannot entertain for investigation any complaint by or on behalf of a public servant or functionary concerning any matter relating to the agency in which the public servant has been or is working in respect of any personal grievance or relating to his service therein.

Ombudsman has the same powers as are vested in a Civil Court under the code of civil procedure for summoning and enforcing the attendance of any person; compelling the production of documents; receiving evidence on affidavits and issuing commission for examination of witnesses. The Ombudsman is vested with the powers to enter and search any premises and inspect any article, books of account and other documents; impound and seal such articles. The Ombudsman has the same powers, mutatis mutandis, as the High Court has to punish any person for its contempt.

Submission of the Annual Report by the Ombudsman Punjab is a statutory requirement under section 28 (1) of the Punjab Office of Ombudsman Act 1997. The report is to be submitted to the Governor within three months of the conclusion of the calendar year to which the report pertains.

The Office of Ombudsman has its head office at Lahore and regional offices in all the 36 Districts of the Punjab.

This is the 18<sup>th</sup> Annual Report since the Office of Ombudsman Punjab was established in 1996 and relates to the functioning of the Institution during the calendar year 2014. The report is being submitted in pursuance of the legal requirement set out in section 28 of the Office of Ombudsman Act 1997 which inter alia, provides that “within three months of the conclusion of the calendar year to which the report pertains the Ombudsman shall submit an Annual Report to the Governor”.

2. The Annual Report consists of six chapters in which effort has been made to give a comprehensive account of the working of this Office. Chapter-1 gives a brief resume of the back-ground / development of the concept of the institution of Ombudsman and some salient features of the functioning of the Office of Ombudsman Punjab have also been mentioned.

3. Chapter-2 is based on statistical data of the complaints received in this Office. It shows that 21,899 complaints were received and including the balance of previous year, in all 31,675 complaints were processed and 26,622 complaints were disposed of leaving a balance of 5,053 complaints. Total number of complaints received during the last ten years comes to 2,21,840. Out of this 2,16,787 complaints were disposed of.



4. A large portion of complaints pertains to Police, Education, Revenue Administration, Local Government and Health Departments. Police Department is on top with 3,865 complaints, Education comes on number two with 2,810 complaints. District wise maximum number of complaints were lodged in Lahore (3,261), Kasur (1,135), Sargodha (1,117), Faisalabad (1,021), Gujranwala (805) and Multan (803). More detail is available in Table-III.

5. There is a shortfall of about 2,000 complaints as compared to the previous year because of the fact that the complaints regarding service matters have not been admitted for investigation in view of the Governor's decision. Secondly, strict policy was adopted for registration of complaints in the Districts pertaining to cases not in conformity with the requirements of section 10 (3) of the Punjab Office of Ombudsman Act 1997. Thirdly, a considerable number of complaints were disposed of under section 33 (1) *ibid* at the spot in the Districts.

6. In Chapter-3, five Agencies have been selected for examination of causes of large number of complaints against these Agencies and some remedial measures have also been suggested. This includes Police, Education, Revenue Administration, Local Government and Health which form part of major chunk of the total complaints. These causes appear to

be persistent and repetitive and despite best efforts of the Government and this institution improvement is not very encouraging.

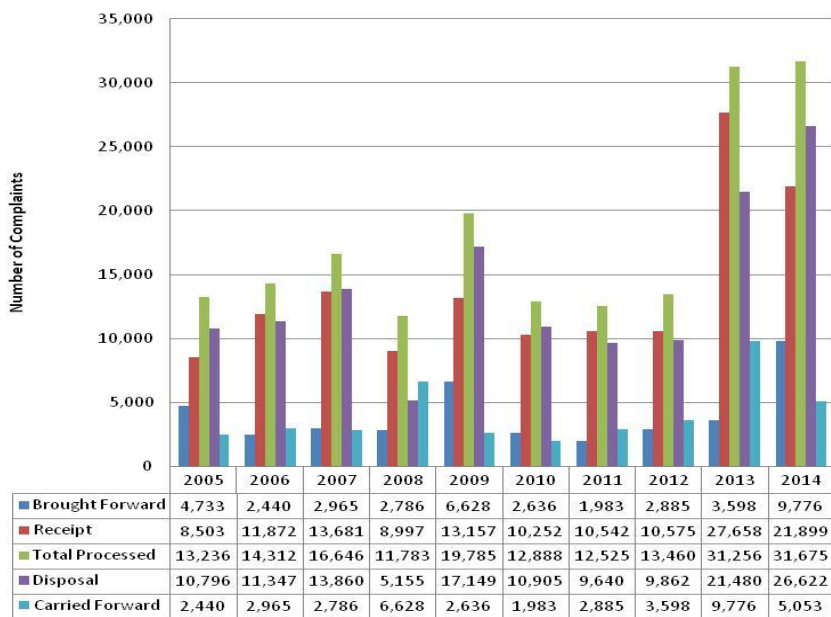
7. Chapter 4.1 sums up the objectives and efforts to extend the outreach of the Office of Ombudsman. Thirty six District Offices in each District of the Province have been established with a view to provide speedy redressal of grievances to the people at their door steps. With the establishment of Regional Offices not only the complainants but also the representatives of Government Departments have been relieved of inconvenience of coming to Lahore to pursue their cases. The fledging District Offices despite logistic and other constrains have done well.

8. Chapter 4.2 gives a resume of the activity of Mohtasib Punjab Pension Cell whereby very old and technically intricate pension cases were disposed of. A few cases on the subject of pension disposed by the Ombudsman shall also show a reorientation of the perspective.

9. Chapter 5 is a narrative of the working of Office of Provincial Child Commissioner. In collaboration with UNICEF the Office of Provincial Child Commissioner has received fresh impetus and is actively striving to create awareness of the child rights in the Province.

10. Chapter 6 provides a resume of interface between media reports and maladministration in governance. As many as 11,505 media reports were processed and communicated to the relevant agencies and departments for appropriate action. In most of the cases relief was provided to the general public and compliance was reported to the Ombudsman Punjab.

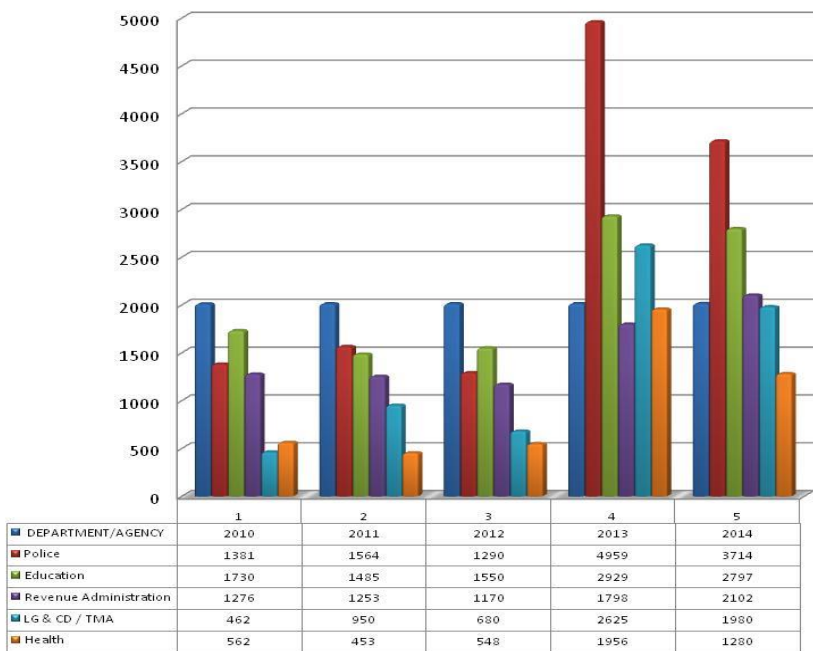
### STATISTICAL ANALYSIS Year Wise Receipt and Disposal of Complaints (1.1.2005 to 31.12.2014)



**Figure-I**

Figure-I shows the number of complaints received, processed and disposed of in a calendar for the last 10 years. The Ombudsman Office received 21899 complaints in the year 2014. Total 31675 cases were processed including the brought forward cases from the previous year and 26622 cases were disposed of in the year 2014.

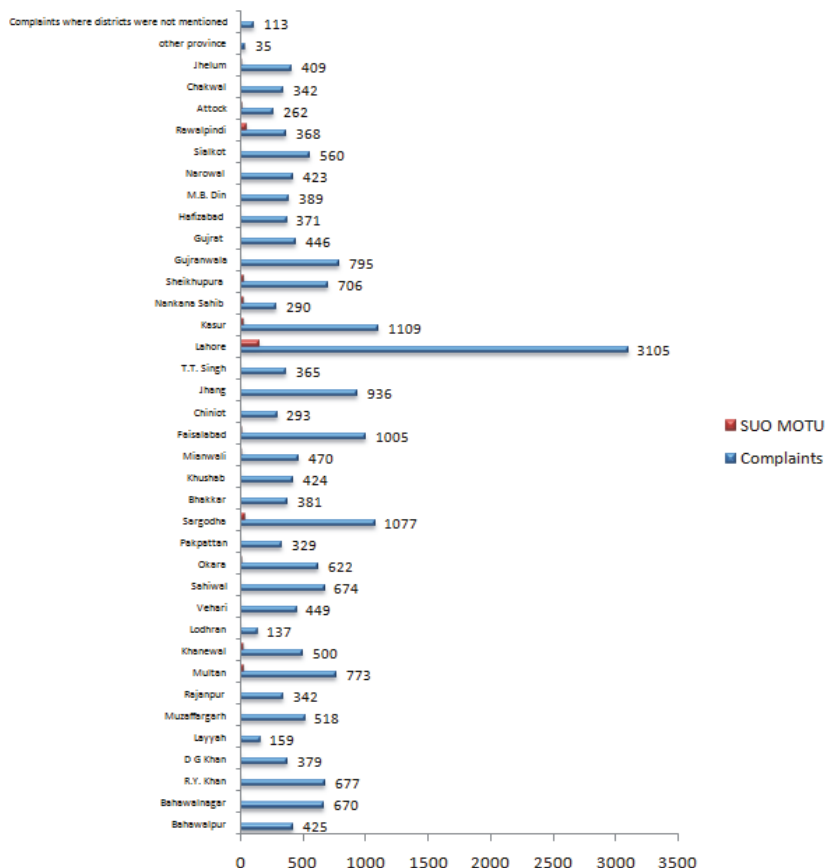
## VOLUME & CAUSES OF COMPLAINTS AGAINST MAJOR AGENCIES



**Figure-II**

Figure-II gives the comparison of number of complaints pertaining to some major Agencies against whom maximum number of complaints were received during the last five years.

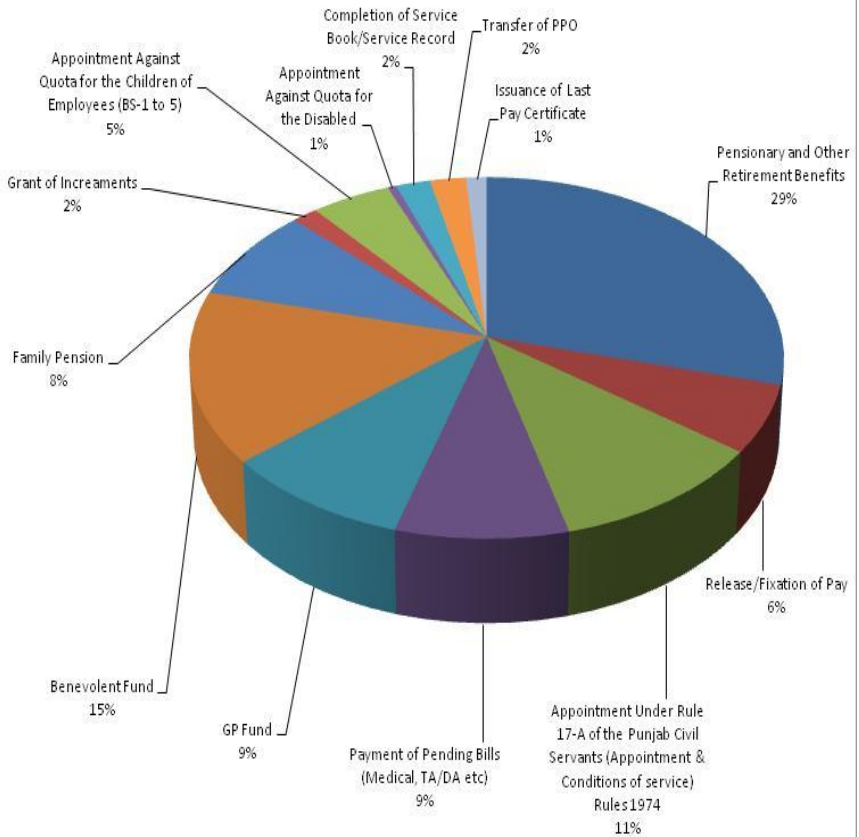
## DISTRICT WISE RECEIPT OF COMPLAINTS AND SUO MOTU COGNIZANCE TAKEN IN YEAR 2014



**Figure-III**

Figure-III provides a district wise overview of complaints received during the year under received. 3105 complaints were lodged against the maladministration of different departments in Lahore district. This was followed by district Kasur (1109), Sargodha (1077), Faisalabad (1005), Jhang (936), Gujranwala (795) and Multan (773) Number of complaints received against a department may be considered keeping in view the volume of activity of that department; number of employees; and level of awareness of people of a specific area etc. The department/agency should themselves evolve a self corrective mechanism.

## COMPLAINTS PERTAINING TO MALADMINISTRATION IN MATTERS RELATING TO SERVICE IN YEAR 2014



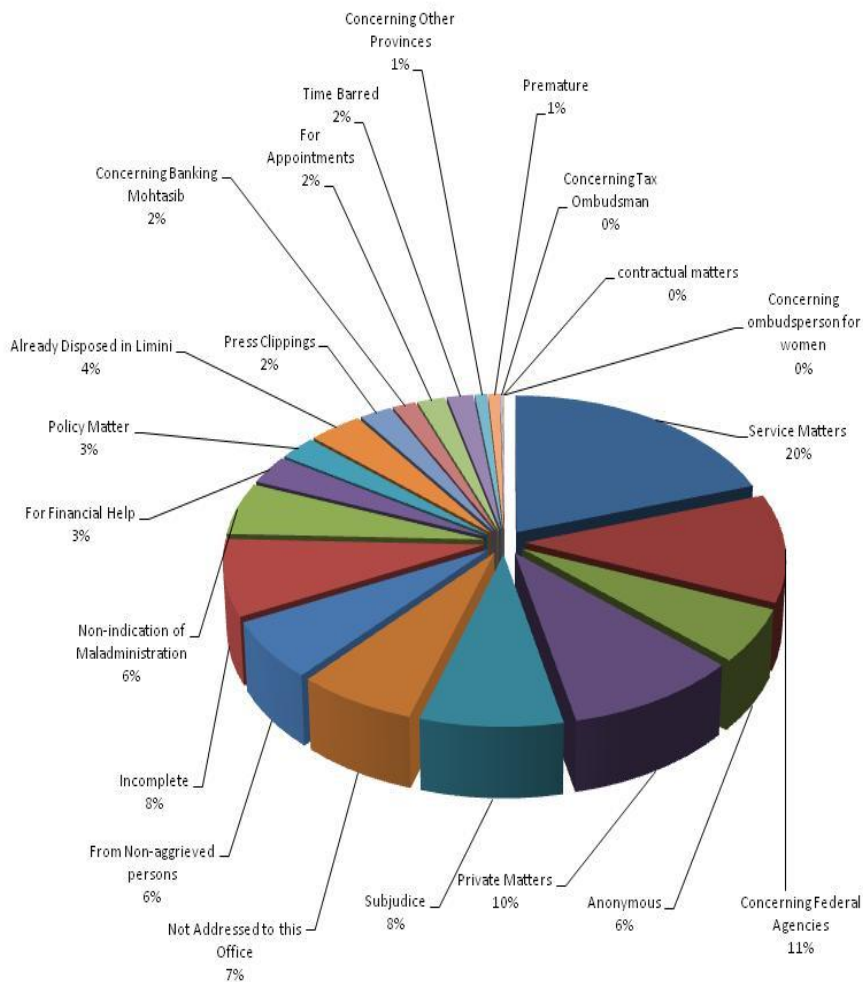
**Figure-IV**

<b>SR. NO.</b>	<b>DESCRIPTION</b>	<b>COMPLAINTS</b>	<b>%age</b>
1	Pensionary and Other Retirement Benefits	1147	29.20
2	Release/Fixation of Pay	238	6.06
3	Appointment Under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of service) Rules 1974	422	10.74
4	Payment of Pending Bills (Medical, TA/DA etc)	332	8.45
5	GP Fund	366	9.32
6	Benevolent Fund	603	15.35
8	Family Pension	331	8.43
9	Grant of Increments	61	1.55
10	Appointment Against Quota for the Children of Employees (BS-1 to 5)	190	4.84
11	Appointment Against Quota for the Disabled	21	0.53
12	Completion of Service Book/Service Record	82	2.09
13	Transfer of PPO	86	2.19
14	Issuance of Last Pay Certificate	49	1.25
	<b>TOTAL</b>	<b>3,928</b>	<b>100</b>

Figure-IV illustrates the nature of complaints concerning maladministration in service matter. This year once again the single largest category pertains to timely release of pension and other retirement benefits. Majority of issues arise when proper systems and procedures are not followed. Effective monitoring and strict accountability at departmental level can reduce the number of complaints.



## NON-MAINTAINABLE COMPLAINTS IN THE YEAR 2014

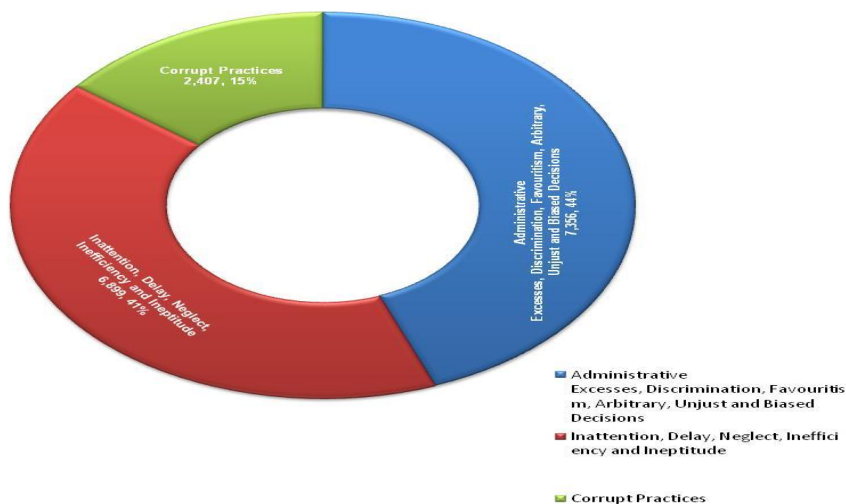


**Figure-V**

<b>SR.NO</b>	<b>CATEGORY</b>	<b>COMPLAINTS</b>	<b>%age</b>
1	Service Matters	1039	19.84
2	Concerning Federal Agencies	596	11.38
3	Anonymous	294	5.61
4	Private Matters	515	9.83
5	Subjudice	420	8.02
6	Not Addressed to this Office	351	6.70
7	From Non-aggrieved persons	323	6.17
8	Incomplete	421	8.04
9	Non-indication of Maladministration	290	5.54
10	For Financial Help	161	3.07
11	Policy Matter	134	2.56
12	Already Disposed in Limini	194	3.70
13	Press Clippings	118	2.25
14	Concerning Banking Mohtasib	85	1.62
15	For Appointments	101	1.93
16	Time Barred	95	1.81
17	Concerning Other Provinces	44	0.84
18	Premature	42	0.80
19	Concerning Tax Ombudsman	6	0.11
20	contractual matters	6	0.11
21	Concerning ombudsperson for women	2	0.04
	<b>TOTAL</b>	<b>5,237</b>	<b>100</b>

Figure-V shows the non-maintainable complaints received and disposed of in limini after preliminary investigation. Majority of these grievance are from in-service employees regarding their service related issues. Other categories include matters pertaining to federal agencies, private disputes and subjudice matter.

**NATURE OF MALADMINISTRATION REFLECTED  
IN MAINTAINABLE CASES IN YEAR 2014**

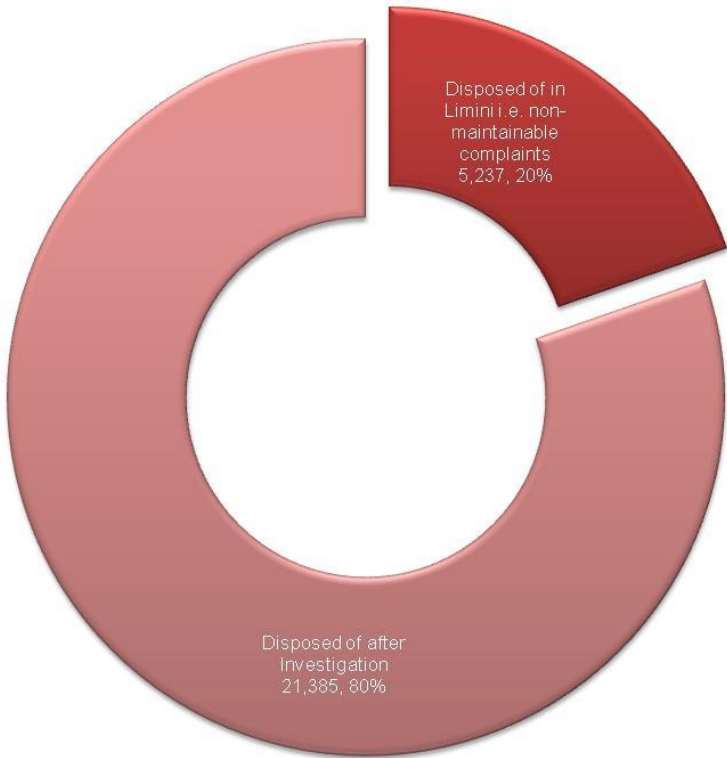


**Figure-VI**

Sr. No.	Nature of maladministration (alleged)	Complaints	Suo Motu/ Press Notice	Total
1	Administrative Excesses, Discrimination, Favouritism, Arbitrary, Unjust and Biased Decisions	6,905	451	7,356
2	Inattention, Delay, Neglect, Inefficiency and Ineptitude	6,819	80	6,899
3	Corrupt Practices	2,367	40	2,407
	<b>TOTAL</b>	<b>16,091</b>	<b>571</b>	<b>16,662</b>

Figure-VI categorizes the nature of maladministration in the public sector departments. Bureaucratic apathy is evident from the quality of service delivery. Administrative excesses, discrimination, favouritism, and unjust decisions causing delay, negligence, inefficiency and corrupt practices are noticeable.

## DISPOSAL OF COMPLAINTS & SUO MOTU COGNIZANCE NOTICES IN THE YEAR 2014

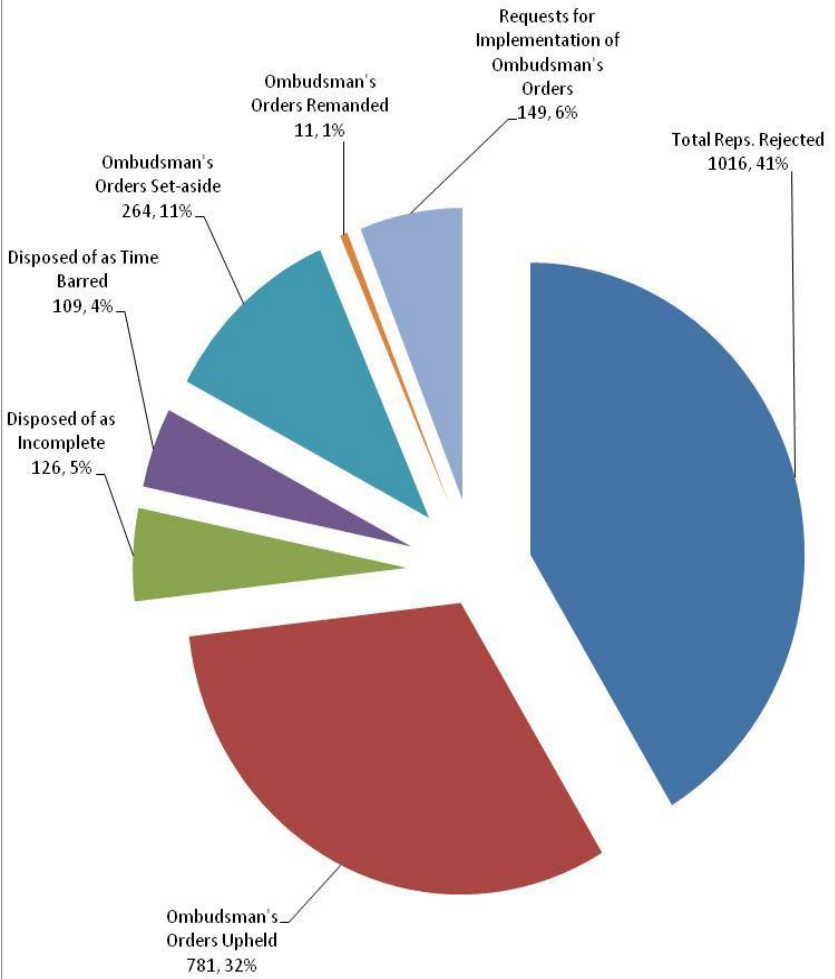


**Figure-VII**

DESCRIPTION	COMPLAINTS	SUO MOTU	TOTAL
Disposed of in Limini i.e. non-maintainable complaints	5,237		5,237
Disposed of after Investigation	21,180	205	21,385
<b>TOTAL</b>	<b>26,417</b>	<b>205</b>	<b>26,622</b>

Figure-VII. This table shows a breakup of the complaints and Suo Motu cases disposed in limini and after investigation in the years under report.

# REPRESENTATIONS DECIDED BY THE GOVERNOR DURING 2014



**Figure-VIII**

<i>Total Reps. Rejected</i>	<i>Ombudsman's Orders Upheld</i>	<i>Disposed of as Incomplete</i>	<i>Disposed of as Time Barred</i>	<i>Ombudsman's Orders Set-aside</i>	<i>Ombudsman's Orders Remanded</i>	<i>Requests for Implementation of Ombudsman's Orders</i>
1016	781	126	109	264	11	149

Figure-VIII. Any person aggrieved by a decision or order of the Ombudsman may within thirty (30) days of the decision of the order, make a representation to the Governor who may pass such order thereon as he may deem fit. This year 2456 representations were preferred by the agency and the complainants to the Governor Secretariat.

## Volume & Causes of Complaints against Major Agencies

Table

### Volume of Admitted Complaints against Major Agencies

<b>Agency</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Police	1381	1564	1290	4959	3714
Education	1730	1485	1550	2929	2797
Revenue Administration	1276	1253	1170	1798	2102
Local Government	462	950	680	2625	1980
Health	562	453	548	1956	1280
Total:	5411	5705	5238	14267	11873

Apparently number of complaints has decreased as compared to the previous year. Because of the fact that the complaints regarding service matters have not been admitted for investigation in view of the Governor's decision. Secondly, strict policy was adopted for registration of complaints in the Districts pertaining to cases not in conformity with the requirements of section 10 (3) of the Punjab Office of Ombudsman Act 1997. Thirdly, a considerable number of complaints were disposed of under section 33 (1) *ibid* at the spot in the Districts.

## Causes of Complaints Police

Police Department with 3,714 complaints is on top of the list. The causes of complaints are so persistent and repetitive that seemingly the Police has refused to grow up.

- \* During investigation of complaints, it was noted that despite the best efforts made even at the highest level the behaviour of Police officials, posted at Police Stations, has not improved and the “thana culture has not changed. An ordinary citizen finds indifference, apathy and at times humiliation when he happens to visit a Police Station for redressal of his grievance.
- \* Police touts are found in the vicinity of a Police station, and the needy people contact them for their intervention to deal with Police officials who have a special place in the eye of a corrupt Police official. Staff at the Police Stations are generally reluctant to register the FIR which is a pre requisite for investigation in cognizable offences. Copy of FIR which is required to be provided is not readily issued to them. Proper record of non cognizable offences reported to the Police stations are not maintained.
- \* The standard of investigation in criminal cases is apparently on decline. An important tier in the Police hierarchy is Sub Divisional Police Officer but unfortunately SDPOs are usually seen conniving



with subordinate Police officials in all what is being done by the latter.

- \* Because of the faulty investigation the cases often fail before the court. Recovery witnesses in a criminal case are usually provided to Police by the complainant party and the courts tend to dismiss the investigation terming them as interested witnesses.
- \* Investigating officers usually do not record Zimnies (Daily Diaries) in their own hands which some times create legal complications.
- \* No case is to be considered as cancelled or untraced unless judicial order is obtained thereon. SHOs due to lack of knowledge, or neglect, or some time willfully do not send reports to the ilaqa Magistrate for judicial order under section 173 Cr.PC.
- \* Complaints against Police officials are required to be attended properly. The perception of ordinary citizens is that submission of a complaint against junior Police officials is an exercise in futility. This creates a sense of frustration. These complaints are more often marked to the same Police official for inquiry against whom these are made.
- \* In criminal cases often an accused is declared a proclaimed offender under section 87 Cr.PC but the provisions of section 88 Cr. PC are seldom invoked under which attachment of property of absconding person can be made. The proceedings under section 88 Cr.PC may facilitate arrest of absconding accused.

\* Besides these, there are a number of causes of complaints such as delay in submission of challan in the trial courts, misuse of power, demand of illegal gratification, high handedness of the Police.

## Education

More than 2,700 complaints were received. A large number of complaints are about maladministration in service matter.

- \* Non availability of funds was mentioned as one of the causes for non payment of pensionary dues and other benefits to the retired officials.
- \* Delay in finalization of pension cases has been quite common and in some cases gross negligence was noticed. Slow disposal of medical reimbursement cases were also one of the causes of complaints.
- \* Private education institutions are working without fulfilling the requirements of buildings, play grounds, qualified staff, library, other facilities and cases of charging of extra fee was also one of the causes of complaints.
- \* In Government schools missing facilities and boundary walls in the schools was common. Absence of teachers from the primary schools was also noticed.
- \* Provision of clean drinking water in the schools was very much needed.
- \* Reluctance was shown in making the appointments under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1973.

- \* Non issuance of Roll Number Slips and delay in issuance of result cards, cumbersome process of issuance of duplicate certificates was also noticed. Keeping in view the multiplicity of complaints on the subject, there is an urgent need to improve the system of examination.

## **Causes of Complaints**

### **Revenue Administration**

Complaints received in 2012, 2013 & 2014 show that the number of complaints is increasing every year. This year about 300 more complaints have been received than the previous year. A number of reasons may be listed for this increasing number of complaints:

- \* Government has made commendable efforts to computerize the revenue record of more than 100 sub divisions of Punjab. It was expected that with the computerization of revenue record; issuance of 'Fard Milkiat' will be easier, attestation of mutation will be no longer a problem for the land owners, the alleged corruption of revenue functionaries will be minimized and the revenue record will be kept updated. In view of the rising number of complaints it may be said that these expectations have not yet materialized.
- \* In most of the complaints it has been found that Revenue Officers do not record orders on Mutation Sheets in their own hand and not in 'Ijlas-e-Aam' during tours but at the headquarters/in their homes. Frequency of the practice can be detected easily in the urban revenue estates. So much so that orders in complicated Mutations of Inheritance/Girdawari are also recorded by unauthorized persons. Attestation of Mutations in 'Ijlas-e-Aam' and in the same Revenue Estates is mandatory. Deviation from this mandatory

position, legal complications arise which result in complaints to this Office.

- \* Instead of going from field to field at the time of Girdawari, the Patwaris usual sits with one or two persons in a village for doing needful or just copy out the entries from the registers of his counterpart in the Canal Department and thus completes recording entries in Khasra Girdawari pertaining to a harvest.
- \* It is a common scene in the village that small farmers run after Patwaris for obtaining copy of Revenue Record and specially for 'Fard Milkiat' etc. With the computerization of Revenue Record some improvement has been made, but a lot is to be done.
- \* The matter concerning demarcation of land, entry of mutations, correction of record, processing of cases of grant of proprietary rights, removal of encroachments from village paths are unnecessarily delayed by the concerned functionaries which causes submission of complaints.
- \* As per rule, only a Revenue Officer, not below the rank of a Naib Tehsildar, is competent to undertake the demarcation proceedings but the position on ground is entirely different as the work is invariably done by Patwaris and Kanoongos.
- \* A Revenue Officer is legally bound to attest Mutations concerning a Revenue Estate when on tour to that village. But this is seldom

done because the Officer mostly do not follow the Tour Programme and prefer to remain at the headquarters.

- \* Removal of encroachments from the village paths is yet another area which has never been given priority by the Revenue field staff.
- \* Appeals in revenue matters are not timely decided. A suit for demarcation instituted before the Tehsildar may take years to decide.
- \* Corruption in the Registration Branches of District and Tehsil Offices is rife. Corruption starts when Registration Muharrirs are given the power to orally refuse registration of documents. The law on the subject is that no document can be refused registration except through an order passed in writing by the concerned Registering Officer.
- \* Local commissions are frequently entrusted the job regarding execution of documents and possibility of fraud/forgery and corruption goes unchecked. The execution of every registerable documents by a local commission has to be discouraged.
- \* Revenue Officer is required to consign the mutations decided by him on his return from the tour but neither the tour schedules are adhered to by the Revenue Officers nor do they consign in time the decided Mutations to the Office Kanoongos.

- \* Patwaris at the time of entering Mutation of sale of land for residential purposes used to prepare 'Tatimma' on the back of Mutation Sheet. This practice saved the concerned person from subsequent legal complications. Now the practice, however, is not being followed which is giving rise to dispute and complaints between the parties.
  
- \* The objectives of Consolidation of Holdings Ordinance 1960 was to consolidate the holdings of a land owner preferably at one place in a village for saving the wastage of his water resources, facilitating him to save his time in cultivating his land and sometimes shifting his land nearer to that of those with whom he may be more at ease. Although the objectives of the scheme were very noble yet delay caused infinalization of the proceedings in a village and the favour shown to one land owner at the cost of another became valid reasons of permanent enmities in villages. The classic example of delay in consolidation of land holdings is witnessed in village Niazbeg in Tehsil City Lahore where the proceedings were initiated in 1960 but 'Misal Haqiat' has not so far been prepared.



## Local Government

- \* A large number of complaints pertains to delay in finalization of pension cases and in most of the cases element of negligence and lack of knowledge of Pension Rules was pre dominant.
- \* It was found that District Councils, TMAs and Union Councils were functioning almost independently of each other and in several cases it was observed that response from the District Councils to the Provincial government was either unnecessarily delayed or it was inadequate and improper. Resultantly the desired delivery of services could not be achieved as designed.
- \* In all agreements executed for carrying out development work there is a provision indicating the period during which security deposits can be retained. It has been noticed that neither order forfeiting the security deposits is passed nor its timely return to the depositor is ensured. The delay in refund of security deposits causes problem to the contractors and is an act of maladministration.
- \* Issuance of Birth Certificate, Death Certificate, Marriage Certificate and Divorce Certificate are unnecessarily delayed and hindrance was caused by unwilling officials and resulted in a large number of complaints against the non issuance of these certificates.
  - \* Secretaries, Union Councils appear to be quite negligent and some time create unnecessary hurdles with mala fide intentions.
- \* Encroachments on foot paths are rampant and no proper action is taken against encroachments. Such encroachments created difficulties for the pedestrians and congestions in the bazaars.
- \* Repair and renovation works were unnecessarily delayed and so allegations of maladministration and illegal gratification was common.

## Health

- \* This year the complaints were on the lower side not because every thing is going well in the Health Department. But a good number of complaints regarding service matters have not been admitted for investigation in view of Governor's decision and several complaints were decided through on-the-spot intervention in the Districts.
- \* Most of the complaints pertain to absence of doctors, para medical staff in RHCs and Basic Health Units. Shortage of medicines in the Health Units were also cause of complaints.
- \* Allegations regarding issuance of wrong Medico Legal Certificates for mala fide considerations were also reported.
- \* Despite best efforts of the Government quackery is rampant and nothing of any consequence was being done by the Drug Inspectors to check quackery and the supply of spurious drugs.
- \* Delayed payment of pensionary dues to the retired official also resulted in several complaints.
- \* The relevant authorities were apparently reluctant to make appointments under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules 1974.
- \* Priority for an operation or other medical or surgical intervention should not depend on the fact whether one is paying as private patient or is entitled to reimbursement by the Government or free treatment in a hospital. The only criterion in this regard should be

seriousness of patient's condition and no other consideration. Similarly in no case a situation be created where patient once admitted for free treatment is compelled to change his category as a paying private patient.

- \* Instances of negligence in the performance of professional duties was also found. These cases reveal that there is a tendency at least amongst the senior doctors to protect their subordinates by awarding them very minor punishment like warning or censure. Punjab Health Care Commission is doing its bit but is slow in deciding such cases of negligence.
- \* More often than not poor and the illiterate fall victim to quackery which is real menace to public health. Drug Inspectors, due to inefficiency as well as with ulterior motives have failed to eliminate quackery. Drug Inspectors may be directed to submit a quarterly certificate to District Officer Health that no quack is carrying business in the area of their respective jurisdiction.
- \* Rule 6(i)(b) of the West Pakistan Government Servants (Medical Attendance) Rules 1959 provides that if there was no government hospital nearby, a government servant would be entitled to medical treatment free of charge in any hospital other than a government hospital. Due attention is not paid to this aspect of the rule.

\* Investigation in a number of complaints concerning reimbursement of medical charges claims after medical treatment in Federal Government and private hospitals has shown that reimbursement is disallowed in such hospitals even in cases of emergency, where it was impossible for the patient either to go to a Provincial Government Hospital or to get a referral from the authorized medical attendant in emergency. For instance, if a government servant suffered a sudden heart attack/stroke or had met with an accident, he was to be taken to the nearest available hospital, whether it was Provincial or Federal or a private hospital. Thus, in such cases, the provision of providing free medical treatment to the government employees became meaningless.

The year 2014 saw a major structural change in the Office of Ombudsman Punjab. Prior to the new set up, there was a Head Office at Lahore and three Regional Offices at Multan, Rawalpindi and Sargodha. These four Offices covered the entire Province of Punjab.

2. Ombudsman Punjab initiated a project to extend outreach of

The Office of Ombudsman Punjab to District, Tehsil and Union Council level with the objective of providing justice and relief to people at their door steps. The targeted population of the entire Province is 96.55 million people living in 36 Districts of the Province.

3. The rural population of Punjab is 49% and human development Indicators such as Education & Health are not up to the marks. One of the causes is deemed to be poor governance which calls for administrative accountability of public departments and agencies so that public service delivery is ensured at the optimal level.

4. This will provide speedy redressal of grievances of people at their door steps; mitigate hardships of agency's representative of travelling long distances and shall also be cost effective to them who incur expenditure in the form of TA/DA. The proximity of the office shall be convenient to the complainant and shall make people aware of their rights providing and enabling environment of their legal empowerment. This is expected to contribute to problem solving, surveillance and better execution of Government policies. Reach out to the people could also sensitize the Government agencies for delivering their services.

5. With these objectives in view, the Office of Ombudsman Punjab took the initiative of extending its outreach by setting up District Offices across

the Province with the coordination and support of Punjab Government administrative establishment such as DCO Offices, City & District Government etc.

6. The practice so far has been to trouble the complainants and the representatives of Government agencies from all over the Province to attend our Offices in Lahore, Multan, Rawalpindi and Sargodha. To simplify and open up, existing personnel and logistics of this Office have been spread in all 36 Districts of the Province and certain posts from Head Office and erstwhile Regional offices (Multan, Sargodha, Rawalpindi and Lahore) were shifted to the Districts. Henceforth the complainants are being registered, heard and speedily decided in the District Offices.

7. The offices so far established at District level have been provided with requisite budgetary allocation for the financial year 20-14-2015 by the Finance Department and cost centers have also been opened and made operative.

8. The fledging District Offices, despite logistic and other constraints have done well and the initial feed back of the last six months have been quite encouraging and fruitful.

9. To institutionalize this arrangement in the Districts a summary for creation of new posts and adequate budgetary allocation was submitted to Chief Minister Punjab through Finance Department in May, 2014 but the outcome is still awaited.

10. In our view the project is of immense public importance which needs to be sustained. Our efforts, hopefully not only facilitate good governance, help in lessening the burden of courts through informal resolution of

disputes and shall also substantially contribute to enhance the public image of the Government.

## **4.2 MOHTASIB PUNJAB PENSION CELL (MPPC).**

The Ombudsman Punjab, in exercise of powers conferred upon him under section 18 of the Punjab Office of Ombudsman Act 1997, established a Standing Committee known to be as “Mohtasib Punjab Pension Cell” which was notified along with the terms of reference on 10-6-2013 to all the Government functionaries including Additional Chief Secretary / Chairman, Provincial Pension Cases Disposal Committee.

2. The terms of reference of MPPC was extended vide order dated 30-5-2014 for operation at district level which was imperative in view of the establishment of sub office of the Ombudsman at district level.

3. Under the Pension Rules, directive of the Government of Punjab and the order of superior courts, the pension sanctioning authorities are bound to initiate pension papers of all the retiring officers / officials one year prior to their superannuation. But the competent authorities more often ignore rules / orders causing inordinate delay in finalization of the pension of the retiring Government servants. A Provincial Pension Cases Disposal Committee under the chairmanship of Additional Chief Secretary is formed. Mohtasib Punjab Pension Cell is working closely in coordination with the said Committee to redress the grievances of pensioners.

4. MPPC observes 15<sup>th</sup> of every month as Pensioners' Day in the Head Office, Lahore as well as in all the 36 Districts of the Punjab. A large number of retired pensioners participate in the Pensioners' Days with their complaints which are mainly settled at the spot regarding maintainability or otherwise. The maintainable complaints are investigated and maximum help is provided for redressal of their grievances. The pensioners are treated with respect and are served with light refreshment on every Pensioners' Day. The activities of the observations of Pensioners' Day are



given wide coverage by the electronic and print media. During visit to the Regional Office, Gujranwala, Incharge MPPC delivered PPOs to the widow and daughter of a civil servant who died 10 years ago and the family pension cases were pending since then which were decided and PPOs were got issued by the District Accounts Officer, Gujranwala. As such, the Pensioner's Days are found very useful for the helpless pensioners and their family members.

### **4.3 IMPORTANT FINDINGS-REORIENTATION OF THE PERSPECTIVE**

In order to remove a number of infirmities and deficiencies in the existing Punjab Government Servants Benevolent Fund (Disbursement) Rules, Part-I & Part-II, various meetings were held for refining the existing rules in the light of the orders of the Hon'ble Ombudsman. As a result of our efforts, suitable amendments/insertions in the existing rules have been made.

Following are the notifications:

- i) Notification No.BF-585/13, dated 9-9-2014.
- ii) Notification No.F/G-2014/BF/217/14, dated 9-9-14.
- iii) Notification No.BF-585/13, dated 9-6-2014.
- iv) Letter No.BF-61/14, dated 9-9-14 addressed to all the DCOs/Chairmen, District Benevolent Fund Boards in the Punjab alongwith a copy of letter of even No., dated 12-6-14 regarding amendment in rule 3(b) for representation 33% of women in all boards.

2. Pensioners are an important segment of our society who, after retirement, feel dejected and deprived concerning payment of their pensionary dues and resolution of related issues. MPPC has strived to act as per preamble of the Punjab Office of Ombudsman Act which requires adherence to the rule of law; diagnosing, redressing and rectifying any injustice done to a person through 'maladministration'. In delayed pension cases it was found that the rules were not properly applied or the interpretation of the rules was made contrary to the accepted norms. A few cases on the subject of pension disposed of by the Ombudsman shall show a reorientation of the perspective.

- i) The commutation was allowed to the complainant @ for 61 years, whereas he was entitled to 12.3719 rate meant for 60 years, on retirement on the basis of superannuation. The Forest Deptt. was directed to grant commutation at correct rate i.e. 12.3719. (Ombudsman order dated 9-4-2014 passed in complaint No.TR.31076-Adv.(A)-1434/1406 of Habibullah).
- ii) Widow remained deprived from family pension for 32 years due to non tracing of PPO No. by the Department. Relief granted.

As per report of D.A.O. Sialkot an amount of Rs.3,03,316/- has been paid.(Ombudsman order, dated 23.11.2014 C. No.3186/08/11/C-VI-131/2011 of Mst. Rashida Bibi).

- iii) Widow was deprived from family pension since 9-9-2007 due to non attention of Rule 5.5(2) of Pension Rules by the Revenue Deptt. Relief granted.(Ombudsman order, dated 24.9.2014 C.No.24504/12/13/Adv(A)-1461/14 of Mst. Basma Rizwan).
- iv) Mr. Muhammad Sharif, Ex Patwari was restrained pensionary benefits service since 17-6-1984 despite conversion of major penalty of dismissal from service into compulsory retirement by the Hon'ble Punjab Service Tribunal. Non observance of Rule 5.2 of Pension Rules, relief granted.(Ombudsman order dated 12-6-2014 passed in T. No.30922 Adv.(A)-1872/14).
- v) Deprivation to the legal heir on account of clearance of pensionary benefits since 23-10-2004, the date of in-service death, by the District Govt. Khanewal. Non observance of Rule 12.12 of CSR Punjab Vol.I, Part-I, Rule 12.04 ibid and Rule 5.1 of Pension Rules. Relief granted. (Ombudsman order dated 3-6-2014 T.No.14201/Adv.(A)-1494/14 of Mr. Shehzad Anjum).
- vi) Deprivation of family pension to the widow sine 23-10-1993, despite rendition of continuance service of nine years and 28 days by the husband of the complainant, where the Irrigation Deptt., Faisalabad denied the benefit of condonation of deficiency of more than six months but less than a year, in service qualifying for pension, as allowed vide Rule 2.12(b) of Pension Rules. Relief granted and family pension was allowed to the complainant as a result of correct application of the existing Pension Rules;  
(Ombudsman order dated 11-2-2014 C.No.4227/11/12/C-VI-281/12 of Mst. Allah Jawi).
- vii) Despite circular instructions of the S&GAD No.SO.W-11-1(3)/79(FSD), dated 1-6-1980, re-interacted vide circular No.SO(PCDC)-11(6)8-08 dated 8-2-2013, the departmental authorities are still stressing upon the family members of the deceased civil servants to produce succession certificate for grant for family pension. Refusal to comply with the order of S&GAD each dated 1-6-1980 and dated 8-2-2013.(Ref.No.TR 36021-Adv(A)-16/14 dated 4-9-2014 sent to S&GAD and Finance Department).

viii) Finance Department examined the case in consultation with the Law & Parliamentary Affairs Department and having approval of the competent authority i.e. Chief Minister, it has been notified that a widowed daughter, divorced daughter and unmarried sister of Government servant is included for grant of family pension till their re-marriage or acquiring regular source of income, whichever is earlier vide Notification No.FD-SR-III-4-57/2013, dated 15<sup>th</sup> May, 2013. The amendment was made on the initiative of the Ombudsman Punjab.

3. There is a large number of cases, where the departmental authorities, dealing with the pension cases deliberately implemented the existing rules incorrectly resulting in loss to the pensioners, but all of them may not be cited for the reasons of volume of this reference

4. All said and done the useful and beneficial activity for the cause of retired persons have come to a halt because of the question of jurisdiction in the eye of appellate forums. Now only family pension cases are being investigated.

## OFFICE OF PROVINCIAL COMMISSIONER

### FOR CHILDREN

The Children Complaint Office (CCO) was set up with the assistance of UNICEF in May, 2009 under the auspices of the Ombudsman Punjab. Now the CCO has been upgraded as (OPCC) Office of Provincial Commissioner for Children Ombudsman Punjab. It has an enhanced responsibility to promote and safeguard the rights of the children and strive for welfare of young people below 18 years of age. Its broadened mandate envisages conformity of child right issues and development of children in Punjab in accordance with the provision of UNCRC (United Nations Convention on the Rights of Child)

2. The UN Convention on the Rights of the Child is in essence a comprehensive “bill of rights” for all children relating to protection rights, development rights and participation rights. The UNCRC requires its party states to establish an effective and independent institution to monitor children’s rights and enforce accountability for child rights violations. UNICEF is a specialized agency that works for Children and their Rights.

3. The Convention consists of 54 articles that address the basic human rights to which everywhere children are entitled:

- \* the right to survival;
- \* the right to develop to the fullest;
- \* protection from harmful influences, abuse and exploitation;
- \* the right to participate fully in family, cultural and social life.

Pakistan ratified CRC in 1990. Obligations of the State incurred under international treaties ratified by it are binding on the State as a whole

Various articles of the CRC can be fruitfully addressed with the assistance of various Government agencies such as Health Department, Local Government and Community Development, Cantt.Board, NADRA, Ministry of Foreign Affairs, Ministry of Religious Affairs, Home Department, Information & Culture Department, Labour Department, Education etc. and relevant laws on the subject such as the Juvenile Justice System 2000, the Punjab Destitute and Neglected Children Act 2004, Probation of Offender Ordinance 1960, the Employment of Children Act (Amended 2011), Child Marriage Restraint Act and other legislation on the subject.

5. The role and function of the Provincial Commissioner for Children is as under:

- \* Address Maladministration by Provincial agencies and handle individual complaints
- \* Study, Diagnose and Advice on systemic issues concerning Children's Rights
- \* Monitor Implementation of Child Commissioner's Recommendations
- \* Awareness Raising on Children's Rights Violations.
- \* Proactively bring Children's voice in policy making arenas/forums

6. The office of Chief Provincial Commissioner for Children (OCPC) has extended its outreach by appointing District Child Commissioners in all 36 districts of Punjab and appointment of Child Commissioner at Tehsil and

Union Council level is in process. Through extended outreach programme complaints of children are being resolved within that districts. This office intends to provide protection and justice to the rights of the children by utilizing the services of potential volunteers. Issues of children are addressed at grass root level in all the districts of Punjab.

7. OCPCC has established helpline 1050 for easy and quick access of children. Complaint regarding violation of child rights can be lodged through e-mail, telephone and online complaint system. A separate website concerning children is being established by OCPCC. The website will contain informative material about the rights of children, laws related to children, set-up of the office of commissioner and updated reports about the working of OCPCC.

8. OCPCC, Ombudsman Punjab received 565 complaints (during June 2013 to June 2014) from Lahore, Multan, Rahim Yar Khan, Jhelum, Okara, Faisalabad and Khushab. Most of the complaints received were related to education which included missing facilities in schools and non-availability of teachers.

9. Issue of child trafficking and kidnapping of children from hospitals was analyzed through complaints received. It was observed during the investigation that CCTV cameras in Government hospitals are not properly

functioning. Furthermore there is lack of security in these hospitals. Street children, runaway children and lost children are found indulging in drugs. Often children in shrines are being sexually abused and exploited as masseurs. It was also noticed that these children are not being rehabilitated properly, although they are rescued by Child Protection & Welfare Bureau (CP & WB). After few months these children are again found in same situation. There is a dire need for the child protection policy and a system to rehabilitate these children. Moreover, there is no rehabilitation centre for the children who go astray and commit petty offences and children who become victim of sexual abuse.

10. OCPCC team visited Government Shadab Institute of Special Education, Multan, the school catered for the educational and rehabilitation aspects of mentally retarded and physically handicapped children. During the visit issues of stipend, medical examination/checkup, psychological treatment / counseling of children and their parents, training workshop, inadequacy of budget and transport constraints were noticed. The school building and rooms were not of required standards, and physically handicapped children were facing difficulties. There were no proper ramps for wheel chair and condition of toilets was totally unsuitable for the use by handicapped children.

11. District Child Commissioners have conducted orientation sessions with DCOs, Social Welfare Department, concerned Government



stakeholders, NGOs and CBOs in Sargodha, Nankana Sahib, Sialkot, Mandi Baha ud Din, Jhelum, Attock, Khushab, Pakpattan, Okara, Khanewal, Sahiwal, Vehari and Muzaffargarh. During the interaction sessions, issues of missing facilities in schools of Punjab, provision of clean drinking water, furnishing and refurbishing of old primary and secondary level schools, sexual abuse, corporal punishment, missing children, child trafficking, child pornography, child domestic labour, street children, and children in confinement came under discussion. The state of affairs is far from being satisfactory and concerned quarters should take cognizance of the issue.

12. A function of "Girls Child Day: the right to education as a fundamental right with special focus on girl child was arranged by APWA (All Pakistan Women Association) held on 15-10-2014 with active participation of the OCPCC. A radio programme was conducted with the objective to create awareness among the people living in far flung areas. Advertisement regarding OCPCC is also aired on fm95.

13. During inaugural ceremony of Walton Road Underpass on 20<sup>th</sup> April, 2014 more than 20 children sustained burn injuries because of helium gas filled balloons. OCPCC took notice of the case and after due efforts of this Office a ban on the use of helium gas in balloons has been imposed.

14. Child protection means protection of children from violence, abuse, exploitation and neglect. Our perception is that no child protection system is in place in Punjab. Lack of coordination between Government departments on the issue is to be removed and a proper mechanism should be evolved about the child right protection.

**Interface with Media**  
**Mulling over Media reports to minimize**  
**“Maladministration” in Governance**

A policy has been devised to benefit from the news items, media reports, editorials and columns regarding public complaints about public service departments and their instances of maladministration and to sensitize the competent authorities of the concerned departments. Now the press clippings and transcriptions of each news item and media report regarding maladministration of public sector departments are sent to the authorities for appropriate action. This not only helps in ascertaining departmental performance about the problems being faced by the people and thus facilitate good governance.

2. Each District Advisor has also been designated as Media Officer to the Ombudsman Punjab who may send reports concerning public issues and departmental maladministration. The Ombudsman Punjab himself took suo motu cognizance on important media reports regarding negligence and instances of maladministration. So the relief provided by the departments on individual grievance or general issues resulted into overall improvement in the public administration.

3. In the light of media reports, the Ombudsman Punjab himself and his Advisors carried out site visits and inspections during the holy month of Ramzan when media highlighted instances of price hike of commodities. Ombudsman Punjab mobilized his team to visit Ramzan Bazars through out the Province and sensitized the Government about shortcomings in the establishment of such Bazars. Similarly, on the basis of media reports about poor condition of health care facilities in the hospitals, Officers of

Ombudsman Office carried out spot inspections and efforts were made to improve service delivery.

4. Taking media reports as a source of reliable information, as many as 11505 media reports were processed. Notices were issued to the concerned agencies for submission of their comments/defence. Maladministration relating to the issues of general public, like water supply and sewerage, missing education and health facilities and shortage of staff in schools and hospitals, hazards of traffic, maltreatment at police stations by Police officials, non provision of street lights and cleanliness, pollution, issues pertaining to Revenue Department, sale and supply of substandard eatables in the markets, malfunctioning of Government agencies, inefficiency in providing legal rights to the employees, plight of pensioners and their families, malpractices committed during Ramzan/Sunday Bazars, absence of basic amenities to the public, violation of child rights, plying of public transport not road worthy, encroachments, parking problems etc. etc. It is pertinent to mention here that issues of health and education facilities and high handedness of Police officials were mainly focused while taking notice on media reports. Some cases are briefly mentioned here

5. Ombudsman Punjab took notice on a column written by Mr. Rauf Kalasra in which young daughter of Mr. Aslam Tareen, a School Teacher, studying in third year, lost her life in Emergency Ward of DHQ, Layyah owing to the negligence of duty doctors. Ombudsman Punjab constituted a 2-member Inquiry Team comprising of DCO & DPO Layyah. The findings of the Inquiry Team were thoroughly examined in Ombudsman Office and duty doctors' along with Consultant Physician and M.S. DHQ Layyah were found guilty of negligence. The report against all the responsible officials was sent to Secretary Health Punjab for taking legal action. The suo motu proceedings were finalized within four weeks.

6. Ombudsman Punjab took notice on a media report about provision of expired medicines at D. H. Q. Hafizabad. Advisor, Office of Ombudsman Punjab at Hafizabad District was directed to visit the pharmacy of D.H.Q. Hafizabad and submit report on the same day. During the visit, a huge quantity of expired medicines including life saving injections, syrup and tablets recovered from the store. Consequently, C.M. Punjab took notice and removed E.D.O. & M.S. DHQ Hafizabad and investigation against supplier and pharmaceutical company is in progress.

7. Relief to public on shortage of drinking clean water issues based on media reports was expedited. The issue of repair of water supply pipelines by WASA Lahore at Rajgarh & Icchra were resolved within a week. The notices were disposed of after physical inspection by Director Public Relations, Ombudsman Punjab. Relief was also provided in similar issues at Khushab, Mianwali, Sargodha, Multan, Hafizabad, Mandi Bahauddin and other areas of the Province and a number of such notices were disposed of after physical verification and visual evidences.

8. In a number of cases shortage of teaching staff and provision of missing facilities in schools, reflected in media reports, were resolved on the intervention of Ombudsman Punjab, by the concerned DCOs.

9. It was observed in a number of cases that FIR were lodged when Ombudsman Punjab took notice of the incidents.

10. Ombudsman Punjab took notice of a media report about illegal manufacturing of LPG cylinders at Gujranwala and directed DCO Gujranwala to take action and submit report. DCO Gujranwala conducted raids on 17 factories involved in manufacturing of substandard LPG cylinders without license and without proper legal cover. All such factories were sealed as per law.