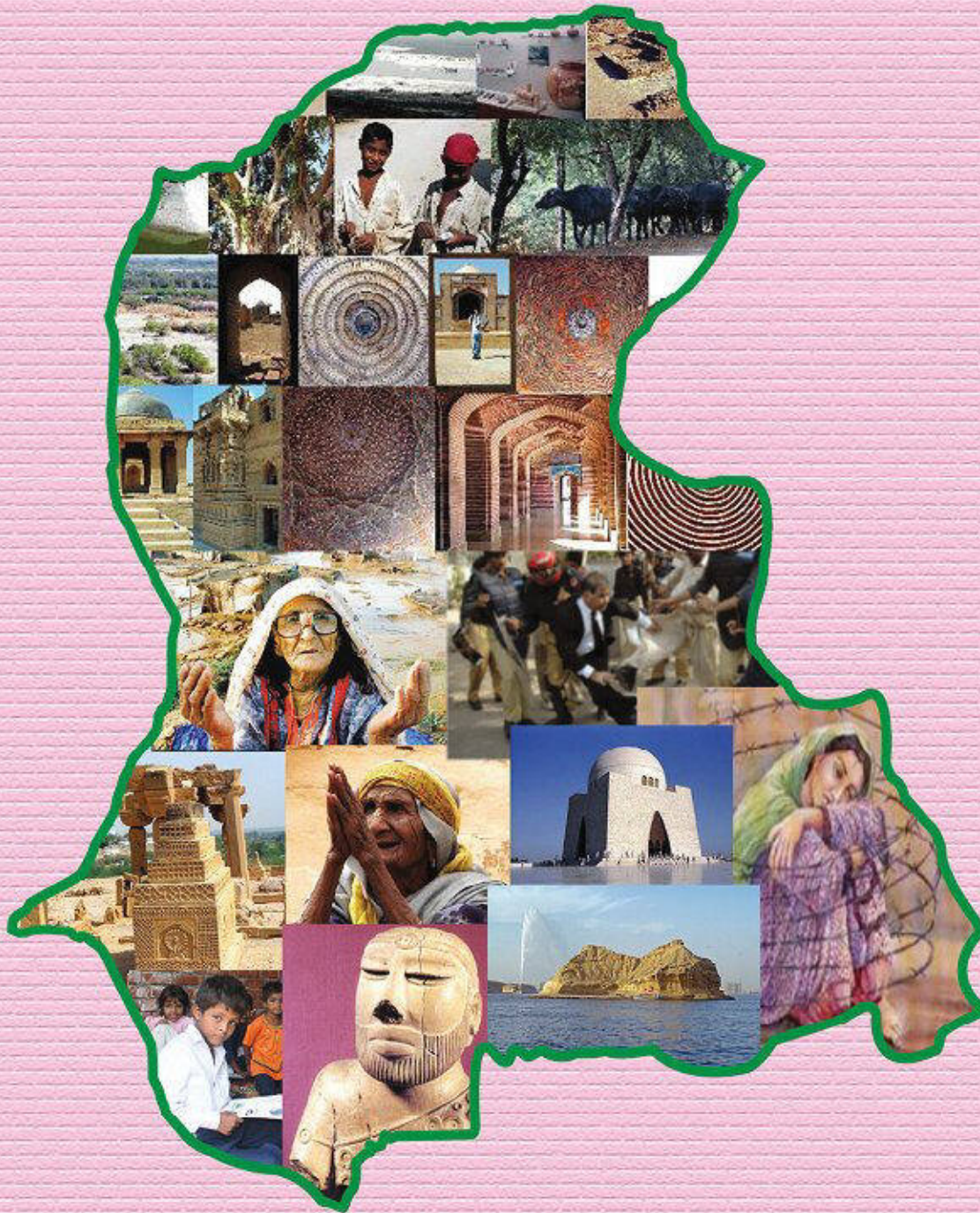


ANNUAL REPORT
2009



OMBUDSMAN

SINDH, PAKISTAN

ANNUAL REPORT

2009



OMBUDSMAN

PROVINCIAL OMBUDSMAN SINDH, PAKISTAN

Presented to Honourable Governor Sindh

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

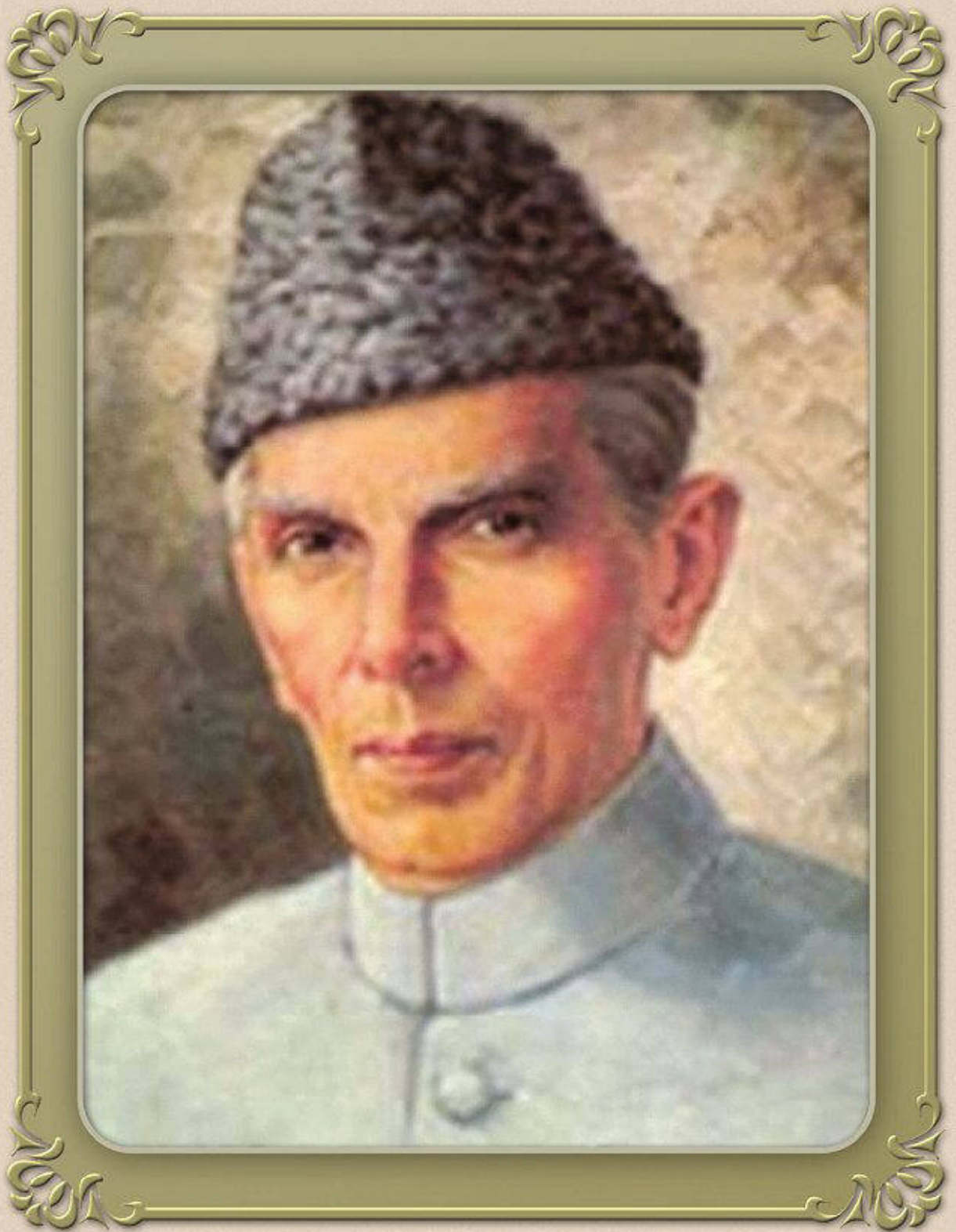
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اور جب لوگوں کے درمیان فیصلہ کرو، تو انصاف کے

ساتھ فیصلہ کرو (النساء ۵۸)

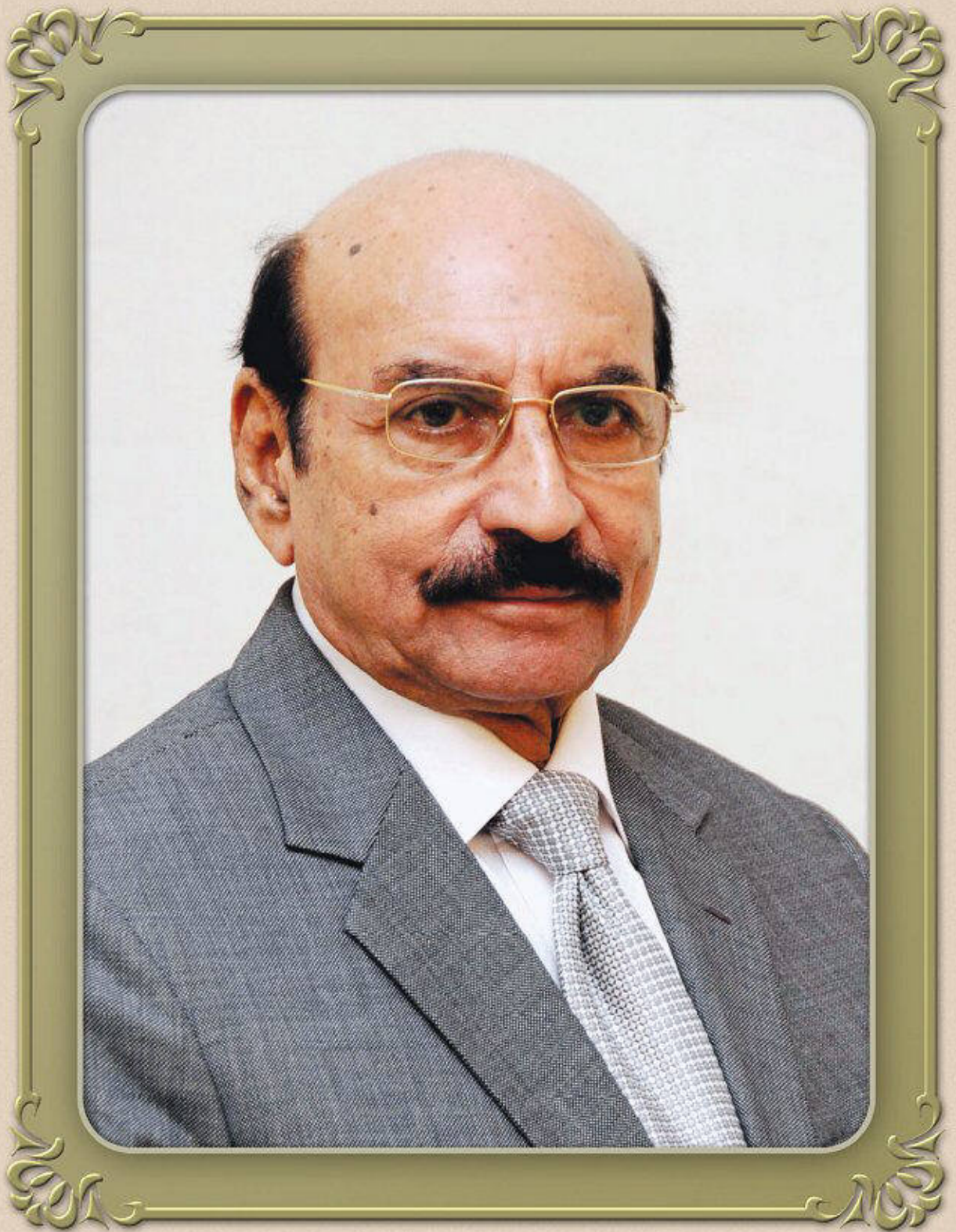
**that when you judge amongst people,
judge with justice.**



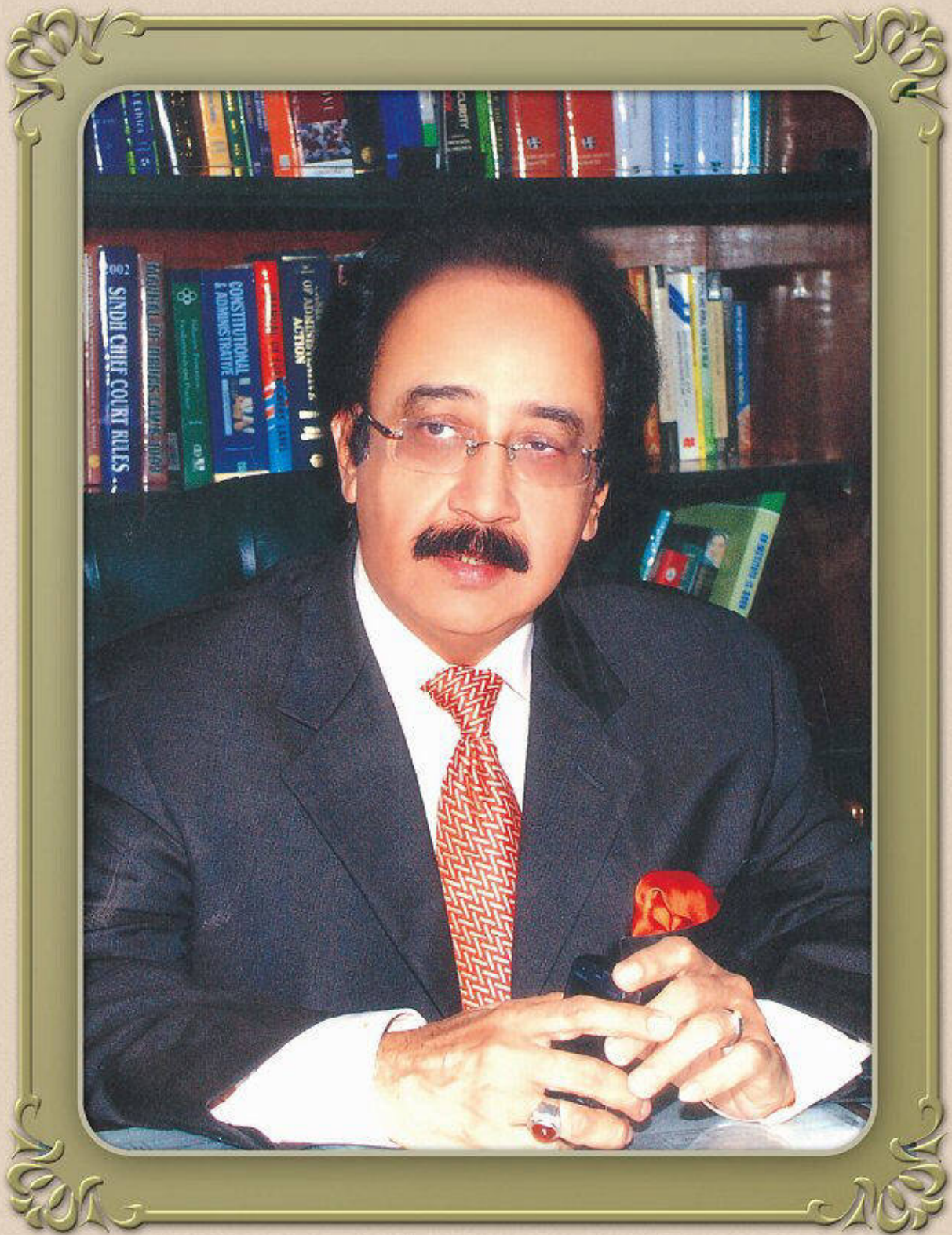
Quaid-e-Azam Muhammad Ali Jinnah
Founder of the Nation



Dr. Ishrat Ul Ebad Khan
Honourable Governor, Sindh



Syed Qaim Ali Shah
Honourable Chief Minister, Sindh



Asad Ashraf Malik
Provincial Ombudsman, Sindh



Acknowledgement

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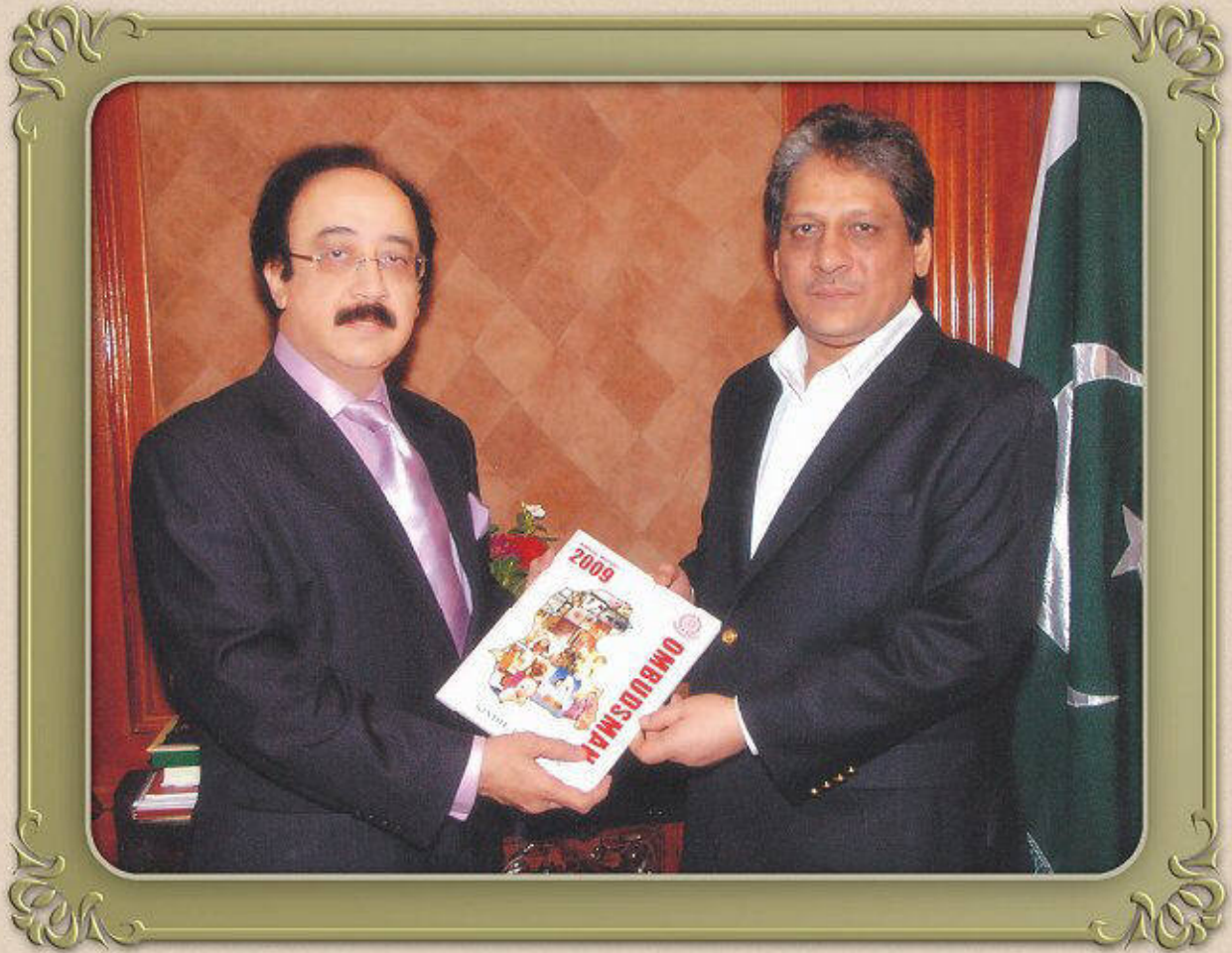
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Provincial Ombudsman Sindh,
Mr. Asad Ashraf Malik presenting Annual Report 2009
to Honourable Governor Sindh,
Dr. Ishrat Ul Ebad Khan



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Asad Ashraf Malik
Provincial Ombudsman
Sindh (Pakistan)

Dear *Mr. Governor,*

I have the honour of presenting third annual report of my tenure, as Ombudsman Sindh. The twelve months documented in this annual report have been a very significant and challenging period of this institution, devotedly striving for ensuring prompt and inexpensive justice specially in the backward areas of the province.

2. In last two annual reports I had indicated that, despite significant improvements in our performance in recent years, there was still much to be desired in reducing the time for redressal of the complaints. Steps were to be taken for eliminating aged & frivolous complaints, enhancing our accessibility and creating greater awareness, particularly in remote and backward areas of the province. The aim we had set was to enhance our contribution and consequent administrative improvement and visible accountability. This year, I am glad to share with you the tangible progress made in each of these areas.

3. Keeping in mind the basic objective of the office of the Ombudsman, I have endeavored to serve the people of the province with more dedication and zeal by focusing on the resolution of individual complaints and addressing chronic systemic issues emanating from administrative distortions and stressing on independent, objective and impartial investigation to realize and promote good governance and fair decision making in public administration.

4. The year 2009 witnessed a major and bold initiative of setting up of Children's Complaint Office, focusing on crucial but so far neglected issues related with children's predicament, which, unfortunately do not happen to be very enviable. Though, Pakistan is a signatory to the Convention of the Right of the Child but ground realities are very grim and bitter. This initiative could materialize with active moral and material support of the UNICEF coupled with our own concern towards the pathetic plight of our children. The CCO provided unique opportunity of creating awareness and formulating child friendly policies, which could create conducive environment for realizing the ideals, enshrined in the Convention on the right of the Child. As a preliminary step all Regional Directors have been instructed to start a children's complaint cell in their respective offices to take cognizance of child related complaints. On my own I have initiated Suo moto action in some cases where children were being subjected to inhuman excesses. Our timely action set the legal machinery in motion and provided relief to the affected Children.



Thus the CCO initiative bridges an existing gap in terms of a children-specific mechanism of grievance redressal in the administrative justice sector in Sindh and also accords Sindh the privilege of establishing the first children's regional ombudsman office in Asia (only second after Federal Ombudsman).

5. This year we also had the honour of hosting the "National Ombudsmen & Administrative Justice Conference 2009". The Conference was attended by all the Provincial Ombudsmen, Banking, Insurance & Tax Ombudsmen of Pakistan as well as the representatives of Federal Ombudsman and other regulatory authorities like PEMRA & NEPRA. The conference was followed by a comprehensive workshop attended by all officers and local NGO's. This conference afforded an occasion for sharing experiences.

6. The people of Sindh have every right to expect from us to act independently in delivering fair, timely and effective resolution of complaints and achieve improvements in the standard of public administration. We have to play our role to contribute to improve government services delivery characterized by integrity, accountability and responsiveness. This year I am pleased to say that we have delivered in each area consistently and devotedly.

7. All this progress would be but impossible without your visionary leadership and guidance. I earnestly hope that with your support and encouragement the office of the Ombudsman Sindh will continue to cultivate and discharge its responsibilities with even greater dedication.

8. During my tenure as Ombudsman of the province, I have noticed that many government departments neglect the primary functions of their core business; in fact the basic administrative norms are being compromised. While good administration is critical to the effectiveness of an organization, many of the complaints I received this year highlighted failure of the agencies to meet satisfactory standards in these areas. Responding to these complaints I have tried utmost to ensure that the concerned agencies should come up to universally accepted norms and expectations of general public on matters of Service delivery.

9. The office of the Ombudsman has to play an assertive role, in protecting and promoting public interest. On many an occasions, to safeguard public interest I had to personally intervene, Suo moto notices have given positive results in the sense that the agencies have shown improvement in their conduct and attitude to the public. As a result of my investigations and recommendations, I have observed a better governance in agencies making their administrative processes more open, transparent and efficient. As a result of effective monitoring and vigilance, on the part of Ombudsman Secretariat the investigation and recommendations have resulted in registering marked improvement. Consequently, the agencies are streamlining their process minimizing chances of corruption.


10. I am cognizant of the fact that there are still some factors impeding our delivery. The minimum requirements for meeting these challenges are:

- i. Expanding the scope by operationalizing the five new districts though approved by your gracious self but yet to be funded by Finance Department.

- ii. **ADEQUATE HUMAN RESOURCES:** This institution is working on bare skeleton staff. On the other hand our mass contact campaign has increased our work by about three hundred percent.
- iii. **FINANCIAL AUTONOMY:** This is sin qua non for this institution but is still an elusive dream. Single line budget as requested earlier will facilitate in introducing financial autonomy and enabling this office to plan as per the ground realities.
- iv. **PAY STRUCTURE:** The pay structure also needs to be revised. People entrusted with task of dispensing justice should be adequately paid so that they could devotedly work for this sacred cause. You were kind enough to support our request for judicial and utility allowances which are also pending with Finance Department.

11. Mr. Governor, there are multifarious challenges ahead of us in curbing mal-administration in government departments. The workload is fast multiplying and the pendency considerable, but improvement in the disposal of cases is evident from the figures of the last two years. I am convinced that with your support and guidance we would be able to improve current disposal and shall provide prompt and inexpensive justice to the public who have been subjected to excesses and unfair practices by public functionaries.

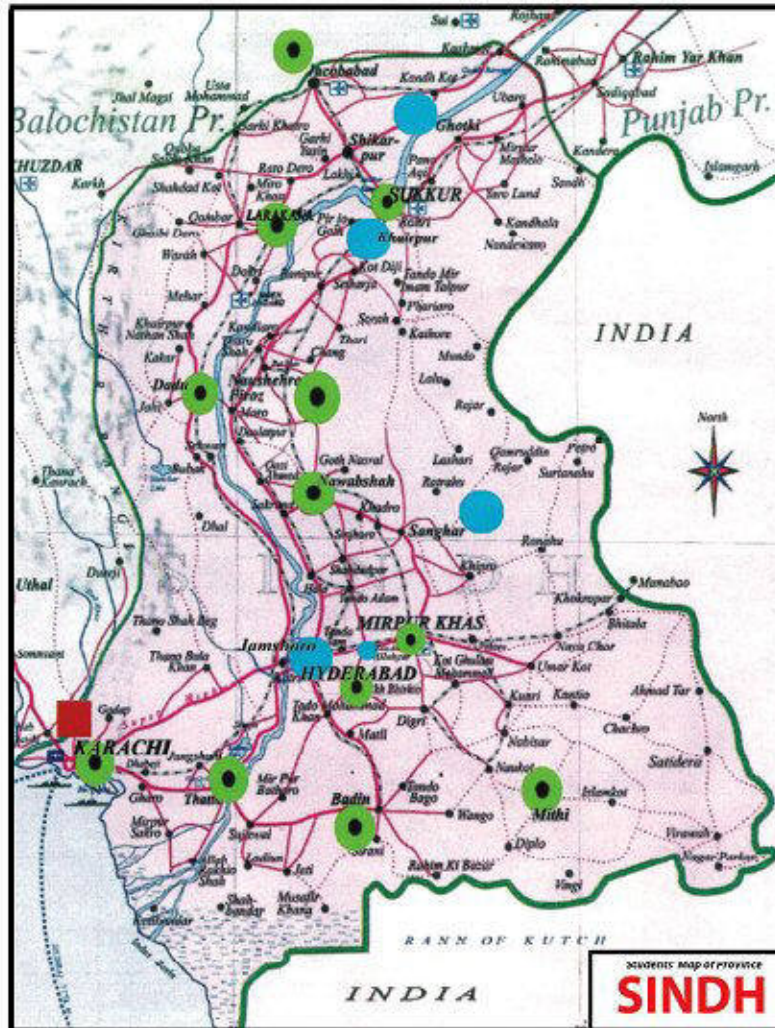
12. Mr. Governor, this report highlights our humble achievements during 2009 but I assure you that our persistent and consistent endeavors for achieving the ideals will continue under your enlightened leadership. May Allah Almighty grant me the strength and commitment to serve the people of Sindh and realize the ideals for which this institution has been created.

With warm personal regards,
Yours *Sincerely,*

ASAD ASHRAF MALIK

Honourable Dr. Ishrat-Ul-Ebad Khan
Governor of Sindh,
Karachi.



Provincial Ombudsman Sindh Offices



■ POS Head Office + Regional Offices Karachi (East and Central)

● Existing Regional Offices

● To be opened shortly

- | | |
|-----------------------------------|------------------|
| ● Karachi Central | ● Ghotki |
| ● Karachi East | ● Khairpur Mir's |
| ● Hyderabad | ● Tando Allahyar |
| ● Badin | ● Sanghar |
| ● Mirpurkhas | ● Jamshoro |
| ● Dadu | |
| ● Shaheed Benazirabad (Nawabshah) | |
| ● Sukkur | |
| ● Larkana | |
| ● Thatta | |
| ● Naushahro Feroze | |
| ● Jacobabad | |
| ● Mithi | |

Group Photograph Ombudsman Sindh Secretariat



Left to Right Sitting:

Mr. Akram Saeed (Director), Syed Qamar Razi Naqvi (Consultant),
Mr. Shaukat Ali Shaikh (Advisor), Mr. Wahid Bux Mahar (DG-I),
Mr. Muhammad Zakir (Secretary), Mr. Asad Ashraf Malik (Ombudsman, Sindh),
Mr. Ali Nawaz Bohio (Advisor), Mr. Masood Ahmed (DG-II),
Mr. Manzoor Ali Awan (Consultant), Mr. Mahmood Hasan (Director Admn).

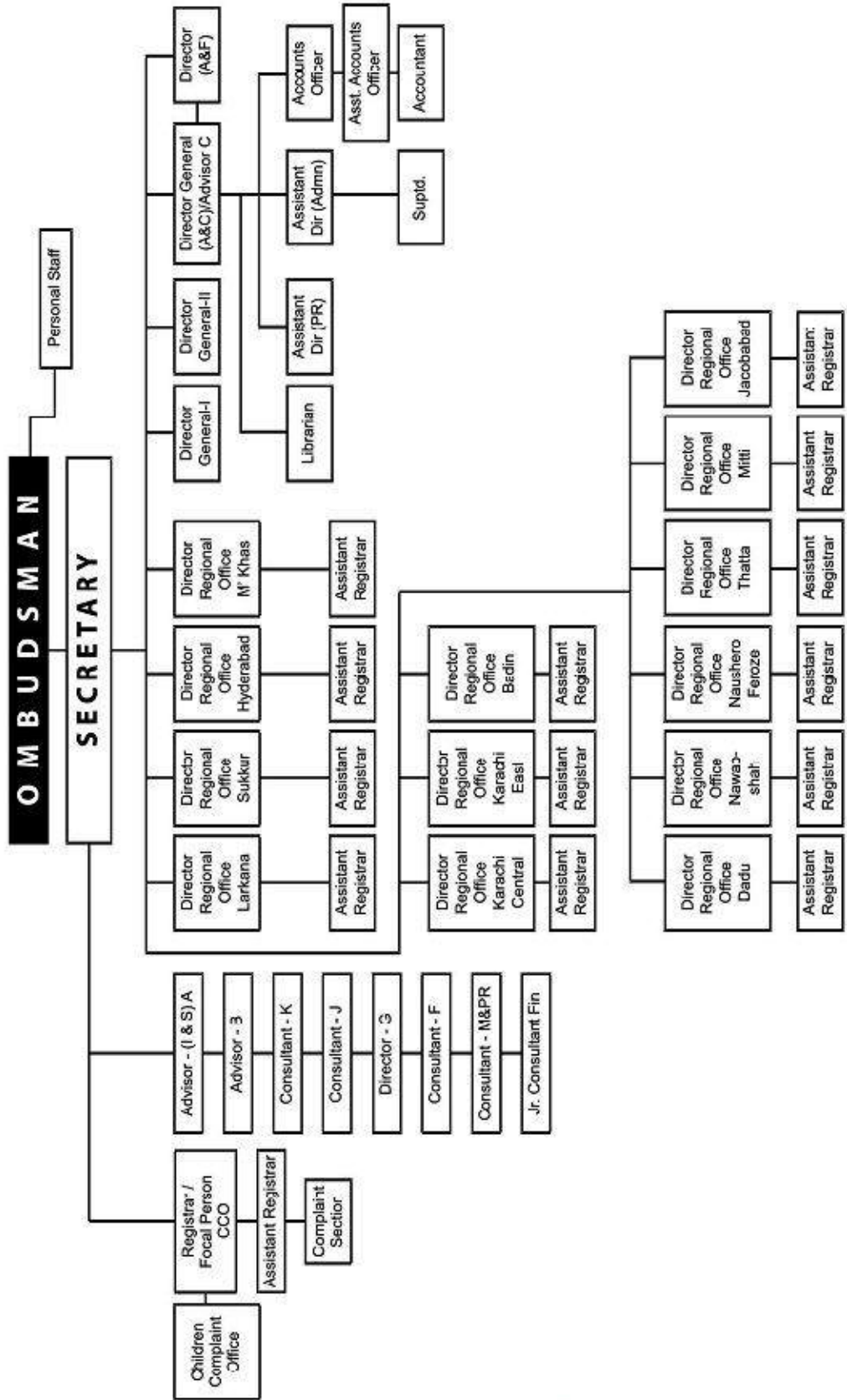
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Mr. Ghulam Hyder Memon (R.D., Badin), Mr. Masood Ishrat (Registrar)
Mr. Zulqarnain Abro (R.D., Larkana), Mr. Mohammad Hashim Chandio (R.D., Dadu)
Mr. Akbar Ali Agha (R.D., Thatta), Mr. Mujahid Hussain Rajput (R.D., Sukkur)
Mr. Ahmed Jamal Aijazi (R.D. Hyderabad), Mr. Shakir Hussain Jafri (R.D. Mithi)
Mr. Nazir Ahmed Qidwai (R.D., Karachi Central), Mr. Shafiq Ahmed Khan (R.D., Mirpurkhas)
Mr. Gul Hassan Solangi (R.D., Jacobabad), Mr. Ghulam Qasim Baloch (R.D., N/Ferozc)
Mr. Afzal Ahmed (Jr. Consultant), Mr. Hassan Rizvi (Media Analyst).



Organization Chart

EXISTING ORGANIZATION CHART OF THE SECTT. PROVINCIAL OMBUDSMAN (MOHTASIB) SINDH.



MAL-ADMINISTRATION & INSTITUTION OF OMBUDSMAN

By Akram Saeed
Director



An Ombudsman Institution is basically for the mediocre and poor people who encounter glitches of delay, inefficiency, abuse of power, maladministration, mismanagement, unfairness, arbitrariness, excesses and corruption of the government functionaries. Presently the Institution of Ombudsman is successfully operating in Canada, Britain, Holland, Ireland, India, Bangladesh, Sri Lanka, Philippines, Japan, Indonesia, United States and several other countries with different constitutions. Here the Ombudsman system provides a forum which enables citizens to have access to an independent, impartial and inexpensive dispute resolution mechanism which can resolve their grievances, protect their human rights and restore their dignity and confidence in the democratic process.

The issues of maladministration are manifold and complex. These could lead to consequential damages.

Maladministration is defined in section 2(2) of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 as:-

- (i) a decision, process, recommendations, acts of 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 biased 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 ineptitude, in the administration or discharge of duties and responsibilities.

The Ombudsman may give recommendations for implementation, if after having considered a matter on his own motion, or on a complaint or on a reference by the Governor or the Provincial Assembly, or on a motion of the Supreme Court or the High Court as the case may be, the Ombudsman is of the opinion that the matter considered amounts to mal-administration, he shall communicate his findings to the Agency concerned:-



- a) to take disciplinary action against any public servant of Agency under the relevant laws applicable to him;
- b) to dispose of the matter or case within a specified time;
- c) to take action on his findings and recommendations to improve the working and efficiency of the Agency within a specified time; or
- d) take measures to curb maladministration including corrupt practices and graft;
- e) to take any other steps specified by the Ombudsman.

The Ombudsman Institution is service oriented organization, with a strong commitment to alleviate the grievances of the common man. The Institution is geared towards increasing the out reach, creating awareness of the Ombudsman services and providing accessibility to the public to redress their grievances within a short span of time, free of cost and without hiring the services of advocate.

CHILDREN COMPLAINTS OFFICE

By Masood Ishrat
Registrar/Focal Person
CCO.



Protection of the rights of children constitutes an important aspect of the responsibilities of the State. As a significant component of the vulnerable segment of society, children rely on the State for ensuring that a credible, efficient and responsive institutional framework exists for upholding their rights.

Children under 18 comprise 44% of the population of Pakistan. However, despite such a significant share in the population, children have not yet received the due priority in public policy makers and adults responsible for making decisions concerning children. The severity of the plight of children in Pakistan can hardly be overemphasized. Infant mortality rate is at 78 per 1000 live births, child labour is ubiquitous, as are violence and exploitation of children. There is an evident ratio of child domestic and cross border trafficking. Children are in jails and declared as offenders even for petty crimes; street living is widespread in a number of areas.

Efforts for creating awareness about children's rights tend to be undermined and stigmatized by a combination of social and cultural references. Often based on perceptions rather than reality, arguments about children's issues being private, familial matters, or that children will not speak up even if given opportunities, resonate even in environment, such as government ministries. In addition to having vast legislation on child rights, there are more than 150 federal and provincial laws and rules concerning different aspects of child rights. Pakistan is one of the signatory of the Convention on the Rights of the Child (CRC), which makes it obligatory to take specific measures to implement the provisions of the CRC and fulfill its responsibilities. With special reference to Article 4 of the CRC, Pakistan has committed to "undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention."

The Provincial Ombudsman Sindh (POS), which is charged with the responsibility to address any injustice done to a person through maladministration by any Provincial Agency, institution or public body, has a potentially instrumental role in this regard as it promotes accountability, transparency and integrity in governance. Even though the Provincial Ombudsman is committed to serve individuals belonging to any age group, the number of complaints pertaining maladministration by provincial government agencies is far too small and few of them are filed by children themselves. This is directly linked to the lack of information and awareness about child rights as well as delivery of public services.

United Nations Children's Fund (UNICEF) works for children's rights, their survival and development and protection in 190 countries. Driven by the belief that nurturing and caring for children are the cornerstones of human progress, UNICEF works with its partners to overcome obstacles such as poverty, violence, disease and discrimination in a child's path.

Therefore, a Letter of Agreement has jointly been signed by the Secretariat Provincial Ombudsman Sindh and UNICEF, Sindh, Pakistan aiming to consolidate their commitment and support for establishing a dedicated Children's Complaints Office within the Provincial



Ombudsman's system. The partnership is established based on the common mandate of both parties towards the protection of child rights.

The Children Complaints Office is an initiative to bridge the existing gap in terms of a children-specific grievance redress mechanism in the administrative justice sector in Sindh and also accords Sindh the privilege of establishing the first Children's Regional Ombudsman office in Asia (and the second in Pakistan after the Federal Ombudsman office).

The main objectives for setting up the Children Complaints Office (CCO) are:

- to establish a dedicated redress and response system for complaints related to and by children, against maladministration by any Provincial government Agency, institution or public body;
- to provide a platform for addressing child rights issues through research, advocacy and engagement with children and other stakeholders on children's rights;
- to advise the provincial government on systemic issues which impact the rights of children and compliance with the CRC.

The Children's Complaints Office within the Ombudsman Sindh will play a significant role in creating a child protective environment by combating corruption and abuse in the treatment of children by public bodies. Special attention will be given to vulnerable children such as:

- Children without primary caregivers: children in institutions, street and homeless children
- Children who are at risk of separation
- Working children
- Children with disabilities
- Children in conflict with the law
- Child victims of trafficking

The inauguration ceremony of the Children's Complaints Office was held on 6th August 2009. Honourable Ombudsman Sindh, Mr. Asad Ashraf Malik was the chief guest on the occasion. Speaking at the ceremony, the Ombudsman noted that being a signatory to the CRC, Pakistan was committed to protect children from all sorts of discriminations, injustices and maltreatment and provide them a healthy environment. Honourable Ombudsman emphasized that the CCO would serve as a platform for receiving and addressing children's complaints and working to protect their rights. He appreciated UNICEF's cooperation in this regard and observed that the UN institution worked for children's survival and development, besides protecting their rights, in more than 190 countries. He further indicated that few of us welcome accountability and that the challenges are enormous, however, with

partnership of UNICEF, steps will be taken to increase awareness of the CRC among government officials. He proudly mentioned the fact that Pakistan is one of the first signatories of the CRC. He concluded his speech with the hope that despite the immensity of the task, this initiative would set in motion a quantum change.

Renowned advocate and President of Lawyers of Human Rights and Legal Aid, Mr. Zia Ahmed Awan also attended the ceremony. Mr. Awan is also currently running the Madagaar Helpline for Women and Children which is also an implementing partner of UNICEF. He began his speech by stressing on the dire need to build a bridge between government agencies and NGOs. He appreciated the efforts being made by the Ombudsman especially in relation to the CCO initiative.

He further pointed out that a number of child rights violations are occurring within government institutions. However, he ended his speech on a more positive note with high hopes for the future.

Chief Field Office, UNICEF Sindh, Mr. Andro Shilakadze was invited next to express his views on the CCO project. He began by thanking the Chief Guest, Mr. Asad Ashraf Malik for the opportunity to speak about the partnership between UNICEF and POS. He noted that with globalisation and integration of societies, the need for human security has become greater. It is not enough to know about the Convention on the Rights of the Child; it is vital to understand its role in development. Thus the CCO would not only be about receiving complaints but would also work on developing the trust of people. He believed that in order for that to happen, it is important that the CCO plays its due role. This would not only be useful in the short run but also for policy making in the long run. He fervently stated that it is very important to take action now. He concluded by assuring the Provincial Ombudsman that UNICEF stands strong to support this cause and hoped that with technical and financial support, a meaningful change would materialize.

After the end of the orientation session, a workshop for capacity building of Regional Directors from the 13 Regional Offices as well as other participants from different government departments, NGOs and civil society members, was held. The objective was to introduce the CCO to them, and incorporate children to a redress system that prioritizes their grievances. There was also a dialogue on the highly significant role of civil society members and various NGOs working for the protection of the rights of children.

The total number of children-related complaints that have been received from July to December 2009 are 15 out of which action has been taken on 10 complaints. 3 are under process and 2 were found to be non-maintainable.



OMBUDSMAN SINDH AND CHILDREN'S RIGHTS

By Mussaddaq Hussain Khan
Information Officer
Information & Archives Deptt., Sindh

An outraged father after getting clearance from the custom at the airport starts beating his young son right there and then, when somebody asked him why he is doing so, his reply was, "In America, whenever I tried to beat him in order to discipline him, he called cops on me and they always warned me of not doing the same again and fined me, now he cannot threaten me to call anyone," In other words he was doing what he was not able to do while they were abroad as in United States parents are not allowed to beat their children or give any physical punishment as it is against the law.

Although it was a joke and may have amused many of us, but at the same time it uncovers the fact that in United States and many European countries physical punishment to control the unruly child is illegal. In other words, in these countries they say, you can't beat up your kid or you will go to jail, as the system is against it. In fact a majority of council of Europe member states have now committed themselves to put an end to all corporal punishment of children.

But as it is said that 'only change is forever' similarly the situation is changing rapidly as far as the rights of the child are concerned. Kids are no more considered as the property of the parents but the custodian of the family. We have come as far as we have thanks to international legislation and awareness through media that the state has now starting to realize its responsibility insofar as the rights of the child are concerned. Now Pakistan is one of those countries where a child's specific needs and rights are accepted.

It was one of the endeavors of United Nation when in 1990 it conducted a convention on the rights of the child during which a resolution based on 54 articles encompassing all the possible rights of a child was passed. It came into force on 2nd September 1990, after it was ratified by the required number of nations.

The United Nations Convention on the Rights of the child, often referred to as CRC or UNCRC, is an international convention setting out the civil, political, economic, social and cultural rights of children. Nations that ratify this international convention are bound to it by international law. Compliance is monitored by United Nations Committee on the Rights of the Child which is composed of members from countries around the world. The UN Convention on the Rights of the Child gives criteria via which children's quality of life is examined.

Following in the footsteps of UNCRC, in Pakistan first the secretariat of Federal Ombudsman established a complaint bureau with the coordination of UNICEF to respond to the victims of child abuse.

Subsequently the province of Sindh, with the personal interest and efforts of Ombudsman Sindh, Mr. Asad Ashraf Malik became the first province in the country to have a Children's Complaint Office (CCO) in the secretariat provincial Ombudsman Sindh in collaboration with UNICEF, which specifically looks after the rights of the children and young people. This is also the first regional office in the whole Southeast Asia. Any sort of complaint

affecting the rights of a child including child labor, discrimination in the educational institutions, child abuse in the police stations or unjust behavior of parents towards children are now being registered in the this newly established Children's Complaint Office (CCO). Against all such misdeeds a child subjected to such an abuse himself or anyone on his behalf can submit complaint in secretariat provincial ombudsman sindh.

The basic aim behind this effort was to promote and implement children's rights in the province. The main emphasis of this office will be on promoting children being heard and their participation. By doing so an effort has been made to influence the matters of child welfare by legislation and new policy lines.

Studies of childhood abuse and neglect have important lessons for considerations of nature or nurture. While each child has unique genetic potentials, Human studies point to important needs that every child has, and severe long-term consequences for brain function if those needs are not met. The effects of the childhood environment, favorable or unfavorable, interact with all the processes of neuro development.

According to Herbert Ward, "Child abuse casts a shadow the length of a lifetime, while the bruises of the body fade in time, the scars of child abuse never fade. Children are never the same again after an abuser has entered their lives".

The Period from birth to the age of 14 is crucial in the formation of personality of an individual. Habits make up the structure of personality. These habits are formed early in a child's life through the social reinforcement the child receives by attention and approval from the important peoples in his or her life who meet the child's demanding needs and wants. These early learning experiences combine to make up the core of the personality.

Children in Pakistan continue to bear the brunt of poverty, illiteracy, poor governance and corruption. Children working in hotels, auto workshops, homes, factories, carpet weaving, scavenging in the rubbish, vending on the streets are among the populations sights of Pakistan.

The initiative taken by Ombudsman Sindh, Mr. Asad Ashraf Malik by recognizing the need for a Children's Complaint Office(CCO) is a great step forward in protecting the rights and welfare of the children in the province. In promoting the rights and welfare of children the Ombudsman can, amongst other things, provide advice to the Sindh government, encourage the development of policies, practices and procedures to promote children's rights and welfare, highlight issues that are of concern to children and monitor and review the operation of legislation insofar as it refers to children. The Ombudsman will also have regard to the U.N Convention on the Rights of the Child.

Parents should not try to force anything upon their kids. They should not try to make their kids what they aren't. Kids should be allowed to have their own path of life. As William Wordswot'h said, "The Child is father of the man".



The Ombudsman Sindh will receive and investigate the complaints made by a child, a parent of the child or a person who has either a personal or professional relationship to the child concerned and is considered a suitable person by the Ombudsman. Before investigating a complaint a parent of the child must be informed. The action complained of must be one which is taken in the performance of an administrative function. The Ombudsman can investigate, make recommendations and seek a response to a complaint. This will be an additional voice in the interests of the children.

We should not deceive the children with fairytales rather the children should be told what a god-awful mess the adults have made of the world. The children in turn should ask for accountability. One should not damage innocent minds with hypocrisy and humbug. On other hand children have a pretty good idea of what is good for them or what is in their best interest. Have you really tried to take candy from a child?

Legal Reforms for Good Governance in Public Sector Delivery System

Justice (R) S. Ali Aslam Jafri
Federal Insurance Ombudsman, Islamic Republic of Pakistan.



Good Governance particularly in public sector delivery system is a big challenge for every civilized nation of the world. Unfortunately sizeable number of countries particularly in the third world intentionally or unintentionally do not appear to be serious in realizing this goal though history shows devastation of many nations due to lack of good governance in public delivery system and lopsided distribution of resources amongst its people.

"Governance" means "the process of decision making and the processes by which decisions are implemented (or not implemented)". By applying "good" as a prefix we mean a process of decision making and its implementation in a fair and transparent manner without any discrimination of cast, color, creed, religion, language or other prejudices which cause impediments and great hurdles in implementing such process. This term can be used in several contexts such as, Local Governance, National Governance, International Governance and now even Corporate Governance.

"Public Sector" means the part of a country's economy which consists of nationalized industries and of institutions and services run by the state or local authorities, whereas "System" with reference to society, means network of the institutions that control it and usually regarded as an oppressive force. Whereas carrying goods, letters etc. to a person or place is an act of delivery.

Turning to the matter of good governance, it has taken the best mind of any age to grapple with it in their on way. However, in today's age of globalization and democracy the issue of good governance has taken a new dimension and getting increasingly important as it is this element of governance which has made the real difference between the nations and the countries. My country Pakistan initially set out as fairly a middle level prosperous country, with the thriving sectors of civil institutions, education, banking, railways, Industry far ahead then the many states including China and Korea six decades ago. Then barely two decades after independence, the country lost its steam of good governance inherited from British Raj and started sliding down the hill.

The governance indeed is poor because none of the key stake holders, politicians, bureaucracy amongst others seem to have the capacity to see the larger picture which includes the cost and benefit of any tactical move or strategic policy action. The sheer element of bad governance which is being realized by all concerned including the rulers has acted on every program like a pulled up hand brake.

To point out a few instances one may observe that despite having the oldest family planning program in the South Asia, Pakistan's population is out of control. From 28 Million in 1947, it has shot up to 176 Million today. This population explosion makes it impossible to provide aside from basic amenities even basic education and health facilities to the majority.



In fact it is due to lack of proper education and awareness. Under the circumstances apart from many other challenges shrinking per capita availability of water is inevitable and sure to create serious tension in near future.

Notwithstanding there being a law which prohibits use of tinted/black glasses in public or a private, vehicles the privileged class and other influential people of the society which include the Government functionaries and the public representatives are found using their luxurious cars with tinted glasses and traffic police has no guts to check the violation.

A few months back there was holy month of Ramadan. Strangely enough, it becomes the month of hoarders, black marketers of sugar, wheat flour and other vital commodities. Daily "Dawn", Karachi dated 02-09-2009 headline reported the Government's admittance of its failure to ensure regular supply of sugar at subsidized rates. Primarily being an agriculture country and having the bumper crops still the state fails to provide any worthwhile relief to the common man. Sadly it is the story of every month of Ramadan.

Situation in other sectors of national life is not very different from that of above. In education, barring a few islands of excellence mostly in private hands far beyond the reach of common man, the public sector education system has almost touched the rock bottom in terms of quality and effectiveness. A few years ago the provincial governments had to employ the army to control the menace of copying during examinations at various levels, detect the ghost schools and teachers drawing funds and salaries yet remain quite invisible. The incessant free fall of standard spanning well over three decades in education has made the degrees and certificates not worth the paper they are printed.

Failure of the democratic institutions has given way to repeated martial laws and abrogation of constitution which in turn have dealt a serious blow to the public faith in the rule of law. This depressing situation has plunged the country into a chaotic and vicious cycle of corruption which has resulted in widespread poverty as noted by Transparency International in its recent report.

That is what Quaid-e-Azam Muhammad Ali Jinnah father of the nation, had the premonition and warned the nation in his address to the Constituent Assembly on 11th August, 1947. Dealing with the scourge of corruption and bribery among the Muslims he said. "We must put down (bribery & corruption) with an iron hand and I do hope that you will take adequate measures as soon as it is possible for the assembly to do so you have to tackle this monster (black-marketing) which today is a colossal crime against society a man who does black marketing commits a greater crime than the biggest and the most grievous of crimes."

Of course, of all the forms of mal-governance the factor of corruption is perhaps the most substantial one. In order to analyze and reform the problem of mal-governance in this perspective the concept of national integrity system may help. It comprises the institutions which, when operating with high standard of effectiveness, transparency and accountability

judicial appointments is made more transparent to enhance credibility of the process and the judiciary.

MEDIA

The government must provide an enabling environment for the media, by ensuring fair competition, independence, and access to information; the media just respond by becoming more responsible, increasing the quality of their coverage and creating accountability mechanisms.

The government can give its commitment to not interfering with the press. Competition and liberalization of the media should be encouraged, through privatization of, or at least competition for, the state owned electronic media.

Considerable steps can be taken by the media to enhance their integrity and professionalism. The media must take urgent steps to improve the quality and accuracy of its coverage, and increase its capacity to root out corruption.

Access to information must be increased considerably, not only through the law, which should be expedited as an absolute priority, but also by increasing the media's access to government spokesmen.

This increased responsibility and access to information should be reinforced by greater accountability.

As regards the legislation enacted to control the monster of corruption, soon after creation of Pakistan Prevention of Corruption Act II of 1947 was passed to check bribery and corruption amongst public servants. It is still in force but has lost its importance. Subsequently some other laws such as Ehtesab Act and National Accountability Bureau (NAB) Ordinance, 1999 were promulgated with a wider net against the corruption. Yet instead of any decrease in corruption it has been reported to have increased as it appeared in Transparency International Corruption Index.

A new law against corruption is on anvil which shall replace the existing National Accountability Law. Pakistan Institute of Legislature Development and Transparency (PILDAT) has urged that National Assembly Standing Committee on Law and Justice to arrange public hearings on the legislation of proposed "Holders of public offices (Accountability) Bill, 2009". It has further opined that the draft legislation not only limits the scope of accountability, it also fails to meet Pakistan's International obligations such as UN Convention against the Corruption to which Pakistan is a signatory.

It is a well settled fact that if a Government fails to establish an effective mechanism of accountability, no matter how strong pro-democracy forces feel, the democratic system will face disastrous consequences. A weak and inefficient mechanism of accountability of the holder of public office poses greatest threat to democracy particularly in a country



where it has not been allowed to strike out.

Accountability cannot be enforced without predominance of transparency or rule of law. It is also well settled reality that across the board accountability is imperative to set the things right and bail out the country from the socio-economic crisis as was expressed by Mr. Yusuf Raza Gillani, Prime Minister of Pakistan a few days ago while addressing an Annual Award distribution ceremony amongst National Highway and Motor Police which is so far deemed to be clean and different from other branches of Pakistan Police.

There could be no two opinions that good governance in public sector delivery system has to face various challenges spawned by various interests within and outside the country from the people having vested interests. Corruption, inefficiency, nepotism are some of the causes which are great hurdle in the process of decision making and its implementation for the greater good of the people perhaps the oppressed class in a country. In order to keep the train of good governance chugging along the its track, accountability, education and awareness are the most important factors, apart from the rule of law. Problems are not solved by law making alone unless there is implementing force behind it coupled with the will of the people.

It has recently been pointed out in "World Bank Tax Policy Report" that public delivery system suffers a lot due to complicated language, special regime for special sectors, inconsistent terminologies and extra ordinary discretionary powers to the officers. It is necessary to improve service delivery system by checking mal-administration in public service bodies at all levels from top to bottom.

As reported by the Bank, there are three (03) main causes for corruption:

- i) lack of accountability;
- ii) lack of transparency; and
- iii) discretionary powers.

There is a consensus amongst those advocating for good governance that for combating corruption which is the root cause of bad governance it is necessary to have:-

- i) accountability of public office holders;
- ii) streamlining of judicial process; and
- iii) appointments/recruitments on merits and it can be achieved only when there is:-
 - a) Rule of law;
 - b) Independent and Powerful Judiciary; and
 - c) Powerful and strong Regulatory bodies such as:-

support each other to maintain high standards of good governance which are as follows:

- legislature and political system;
- executive;
- public accountability bodies;
- anti-corruption agencies;
- media;
- civil society;
- private sector;

It is perceived by many that the scale of corruption on the grand or mega level is highest in political circles, development projects, procurements and the bank loans write off. People however are more concern about petty and middling corruption. Higher in this regard in ranking are: police, power, taxation, judiciary, customs, health, land, education, telephone, railway, NGOs, post office and bank.

Whereas the phenomenon of mal-governance coupled with corruption sets in motion a vicious cycle: direct loss to the public exchequer, sterilizing of the development process, stifling of the private sector and commercial enterprise, the break down of law and order, decline in the moral standards and values and finally loss of legitimacy of state institution.

One may infer that the scourge of mal-governance when deteriorates further it spawns the worms of creeping corruption, hence the bare causes may be enumerated as:

- economic: inadequate pay, large families, inflation
- social/cultural: low literacy level, conflict between merit and pressure of family ties, display of wealth
- political: instability, military rules, high cost of elections
- Legal and judicial: inaccessibility of Justice, slow and selective.

Executive

Skipping to the executive which is plagued by systematic weakness, role and function of the state says that state is all pervasive, it retains monopolistic powers and officials use excessive regulation and red-tapism. Mal-governance is further sustained due to failures in leadership, human resource management, competence, ethics, accountability mechanism, internal controls and enforcement of disciplinary procedures.

The legal system and judiciary

Significant reforms are required if the justice system is to fulfill its essential function in society. Selection and training of judges, improvements in case and court management through automation and training, legal education are vitally important. It also calls for simplification of laws and transparency in the enactment of subordinate legislation. Transparent reporting of judgment and rationalization of contempt provisions to create a balance between judicial independence and freedom of expression is recommended. The process of higher



- Public Accounts Committees;
- Auditor General
- Anti-Corruption laws;
- Overseas Committees; and
- Ombudsman even at District level.

So far Pakistan is concerned we have a set of laws to meet such situations but in the absence of rule of law, the said laws cannot be pressed into service. As observed above, in the absence of a strong and independent judicial system duly supported by the people and other elected representatives the goal cannot be achieved.

Judicial activism as emerged is one of the most efficient element to ensure and enforce good governance in all walks of life including public delivery system. Justice Iftikhar Muhammad Chaudhry, the Hon'ble Chief Justice of Pakistan while addressing the inaugural session of new Judicial Year 2009-10 has categorically stated and reaffirmed that "Constitution invests the superior judiciary with the power to intervene, whenever any state organ exceeds its prescribed limit".

To conclude I may humbly submit that a law however good it fails to deliver good if it lacks honest intention and will of the enforcing and implementing agencies without any discrimination in the larger interest of its people and the state.

Reforming Public Sector Grievance Redress Systems

Speech of Mr. Asad Ashraf Malik,
Provincial Ombudsman Sindh, Pakistan, delivered in Asian Ombudsman
Association Conference in Bangkok 2009.

Chairperson Mr. Ranjit.B. Ranaraja,
Parliamentary Commissioner for Administration, Sri Lanka.

Colleague Ombudsmen for Asia, Ladies & Gentlemen,

Swas-de-karb, Salam Alaikum and greetings in all your languages, Good morning.

I take this opportunity to express my profound gratitude to the Organizers of the Asian Ombudsmen Association biennial conference and especially to the Ombudsman of Thailand for conferring upon me the honour and the opportunity to speak at this august forum and represent the Pakistani Province of Sindh.

My talk would be in two parts, first a bit about my institution and its setting and then I shall move towards the assigned topic: Reforming public grievance redress systems in which I shall try to remain general not just because I am not well acquainted with the individual and nation-specific problems of our respective institutions. However, while I desire to retain a relevance with all of you and present a theme with which we all can identify, I shall give examples from my own institution and my experiences. If you wish for additional information about our institution I shall be pleased to answer any particular queries during the Q & A or discussion.

The province of Sindh is one of the four provinces of Pakistan and the second in terms of population which is currently about forty million¹ out of a total exceeding 165 million. This also means that the province is larger than all but 30 countries in the world. With a population exceeding 15 million, Sindh's capital Karachi is the world's sixth largest city. Furthermore, in 2009 Pakistan is placed 141st (out of 180 countries) on UNDP's Human Development Index² and scored 4 and 5 on the Freedom House 2008 report³. I present these statistics to provide you an idea of our potential work load in the light of not only the fact that we are not just a low-income developing country but also where political institutions and civil freedoms have not matured enough to provide a seamless public grievance redress.

The Sindh Ombudsman institution was the first provincial ombudsman and only the second to be set up in Pakistan in 1991 after the Federal Ombudsman was set up in 1983. We currently have a total staff of about 350 which include those working in one headquarter and 13 regional offices. For the four year tenure of the Ombudsman the incumbents are generally retired civil servants or judges. Most of our principal investigators are also retired senior civil servants.

Now the reform Part : Reform is always guided by the benefit of hindsight and hence the improved products are those in which generations subsequent to the founding fathers have corrected the faults, removed the inconsistencies and introduced "modern" methodologies. Reform also means getting rid of unacceptable habits or adopting a more acceptable way





of life and mode of behavior by oneself or persuading others to do so. In an institutional context, reform means reorganization and improvement of any given public or private institution or system which is considered to be faulty, ineffective, or unjust or which is simply not meeting the expectations of its customers.

Thus, when "re-forming" we should all think about all that we would like to do and how we would do it, if we had the good fortune or luxury of being able to subtract the numerous problems faced over the years.

Human institutions do not change at the speed by which new cell phone models are developed. We are in the 200th year of the modern Ombudsman institution which itself was instituted by Charles XIII, the Swedish king who was in exile in the then Ottoman Empire. Indeed, as he himself noted, he had taken the inspiration for the institution from a Turkish successor to the old Islamic institution of Qaziul Quzat set up in the 7th century Arabia by Islam's second Caliph Omer. So the road to improvement is long.

As is generally well known, Ombudsmen provide external executive oversight over administrative conduct. While we are fortunate in 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, yet, we, like almost all other public sector institutions work in a political environment where we need to please or at least satisfy a large number of stakeholders. This we need to do not just to keep from rocking the boat to a point where it would capsize and make all of us wet, but also to positively achieve whatever we can with the resources available to us. If there is a political tussle of an institution like that of the Ombudsman with a strong political player, the loss would be institutional. I do not advocate taking attacks lying down, but would want to utilize our energies positively and not waste them on ego battles. After all our institutional resources and energies are limited and we must utilize them in the best possible manner where the benefit is greatest. If nine good things cannot be done because of being stuck in one ego-battle it is better to come out of it with dignity and focus energies on what we can do.

Let us remember that no system is perfect. Even the most perfected human political systems - the democracies of the West have their Guantanamos, Abu Gharaibs⁵ and "Extra-ordinary Rendition"⁶. There too for almost 10 years there are legal vacuums and they are unable to decide what to do with a new category of prisoners never known before: the non-state actors called "enemy combatants". So while we all have much left to desire about our own institutions and would certainly like these to work much better than they are, let us always focus on the positives.

To start with, in most of our institutions - including my own, 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.

Thus 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.

However, this simplicity is often the cause of our problems also: because of the simplicity in the process, few of the citizens who come to us know about the usual procedures of making complaints and maintaining some evidence. In poor developing countries like my own where incomes and literacy levels are low, bureaucracies are well entrenched, representative governments are still weak due to an elite capture, and corruption levels are high, it is nearly impossible to meet the high expectations that people place in the Ombudsmen institutions. We all work within political environments which are neither of their making nor one which we can control. On the other hand the bureaucrats responding to complaints have much greater training and asymmetrical levels of information available. Thus there could be the concept of providing free legal aid to complainants in Ombudsmen institutions. This could be provided either through funds to NGOs or through the judiciary which already has such a facility.

If I may make another generic remark - naturally, based on my own experience - given the absence of long historic traditions, most developing countries' ombudsmen institutions are just trying to break out into the open. Perhaps I may be right in saying that when it comes to fighting for the proverbially few resources available in developing countries, Ombudsmen institutions are not generally in the high priority political areas. Much that justice is an important aspect of social welfare, it generally has a back seat compared to the more visible areas of education, health and public works. This is perhaps due to the fact that water, sanitation and health affect everyone on a daily basis while justice is an abstract concept which is seen to affect only a few unlucky ones. Obviously, this is a wrong concept because the poor performance of officials running the water and sanitation or health and education systems has to be checked by institutions like that of the Ombudsman.

Thus we are faced with the double jeopardy of performing as well as our citizen-clients desire and having very low resources - which too ironically we must request from the very people against whom we listen to complaints - the burden of is one that all Ombudsmen must feel.

Now allow me to list the challenges faced by public grievance redress systems - and please do feel free to add to these in the discussion session that follows. Not all of these may be applicable to your institutions which are at different levels of development within transitional societies that have their own challenges of socio-economic transformation.

Challenge # 1: Securing our Rightful Place in Society and Officialdom

Thus the foremost challenge for reform is to secure our place amongst the political and bureaucratic public sector stakeholders as well as in the justice sector. We also need to establish ourselves in the public mind not just through a direct connection with our



stakeholders in bureaucracy but also through interactions with civil society and media. We need to show the bureaucracy that we exist not just to run them down but also to help them achieve better performances by improving their systems - and often protecting them from false accusations.

Only when we become part of the national main stream will we be able to tackle the other challenges. As my colleague the Ombudsman for Pakistan's largest province Punjab said in our own National Ombudsmen Conference earlier this year, few, if any humans like to be criticized. How would anyone of us like to be berated by our employees or persons whose total upkeep and benefits we have to provide? Indeed, all human beings generally and all political players specifically like to be free in making their decisions; we have seen the high and mighty of the oldest democracies in the world argue for and pursue a Doctrine of Pre-emption whereby independent countries have been invaded without United Nations approval and through justifications which their own agencies proved false⁷. Thus it is societies and human civilization as a whole - which places restrictions on absolutely independent actions of individuals through social and political institutions. Our job in the quasi-justice sector is to mediate between the powerful and the powerless, a task which bounds on the Divine. Our struggle to gain a rightful place in society and officialdom would not be easy and would literally require a daily effort - the rock is very hard and we would need to one chisel out one bit every day.

Challenge # 2: Gaining Independence

As we Ombudsmen become more acceptable, our next challenge would be to become financially independent and operationally separate from the government. Although legally, the Sindh Provincial Ombudsman Office (SPOO) was established by an Act of the Sindh Assembly in 1991 and the framers of the law deliberately made this organization separate from the Government of Sindh and placed it under the Governor Sindh so as to establish the independent character of the organization. As a clear indication of the independence that is part of every Ombudsman office, the Sindh Provincial Ombudsman cannot be removed from office other than on account of incapacitation or an activity that is considered morally or legally offensive. Furthermore, so as to deter any compromise towards the powers that be the Ombudsman cannot be granted an extension. This stipulation of the independent character of the Ombudsman is not new or unique to the SPOO, in a country that is still trying to develop a mature polity and emerge as a democracy, maintaining this character of the SPOO has been no small feat.

Short of funds and sometimes of the support of power brokers, we cannot meet one of our primary objectives of serving as a executive watchdog and bureaucratic accountability body until we are seen by the "real government" as a liability. Even when the criticism is genuine, few of us like to be reprimanded by our employees. This challenge of acceptability is greater for executive ombudsmen like me who, unlike parliamentary ombudsmen do not have the direct backing of public representatives.

I propose that both the IOA and AOA work with national and regional governments of member countries as well as multilateral agencies with governance interests (like the World Bank or Asian Development Bank) to encourage them to provide a one-line grant to the Ombudsman institutions.

Challenge # 3: Improving the Legal Basis of Our Existence

All Ombudsmen institutions have been established by way of executive orders or acts of parliaments. We derive our powers from these documents. The better such a document is drafted the better our performance shall be.

I am not sure about the general practice, but in our case, the law uses the quite misleading word "recommendation" for the decision of the POS. Secondly, the most that the Ombudsman can do against defaulting bureaucrats is to have the pleasure of writing to the Governor to have an adverse entry placed in the personal file of the bureaucrat considered to be playing or having played the biggest role in the non-implementation. Unfortunately in my country and perhaps in similar developing countries the process of writing annual performance evaluation reports is far from perfect and is easily compromised given not just ordinary corruption but also our complex social structures in which people are generally accessed through not just friends or families but also through political pressure. On account of shared cultures, I would think that my colleagues in many Asian countries would face similar dilemmas as performance reports are generally written on personal relationships of the reporting officers with those being reported upon.

On the rare occasions that some odd reporting officers have actually had the moral courage to write true but adverse reports, the chief executives of the state or province can expunge these reports on account of political connections. Therefore, it is imperative that the law provide the Ombudsmen with the same powers as the authority which can remove a public servant from public employment. Naturally, the ordinary legal remedies shall be available to them (in the form of an appeal to the High Court, etc) but this would go a long way in changing the mindsets of bureaucrats.

Our basic task at Sindh Ombudsman Office is to look into the public grievances arising out of mal-administration committed by provincial government departments or agencies and to provide redress and relief to the aggrieved. Maladministration, as many of you would know is such a wide ranging term that it is almost super-human to be able to do justice with it.

Mal-administration covers every decision, process, recommendation, act of omission or commission which, is contrary to law, rules and regulations or is a departure from the established practice or procedure, or is perverse, arbitrary or unreasonable unjust, biased, oppressive or discriminatory, or based on irrelevant grounds, which involves the exercise of powers or failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excess, as and neglect, inattention, delay,



incompetence, inefficiency and in aptitude in the administration or discharge of the duties and responsibilities. This virtually makes us responsible for everything that is wrong in the bureaucracy without really giving us any teeth. In my case, the only "teeth" to which I have access is making an adverse entry into the annual reports of the corrupt or inefficient bureaucrats. Not only are the unscrupulous not afraid of such adverse entries which they can easily get removed but that it has been noted that some times, the unscrupulous officials who are not restrained by the idea right or wrong tend to misinterpret the meaning of mal-administration. In a recent constitutional petition, recently preferred against the institution of Ombudsman, his jurisdiction was challenged in the High Court in a so called "service matter" (i.e. one relating to the terms and conditions of government employment for which separate recourse is available) as the Ombudsman is barred from acting therein. However, recently our Honourable High Court of Sindh has given an enlightened definition of mal-administration which reads:

"... the definition of mal-administration that could be enquired by Ombudsman is very wide. It encompasses action or inaction and the manner of conducting affairs by the public servant or functionaries concerning any matter relating to provincial Agency, the definition of mal-administration is merely illustrative and not exhaustive...."

While it is true that the judiciary is supportive of the Sindh Ombudsman institution and the same powers are available to the Ombudsman to initiate contempt proceedings as the High Court of the Province, but in actual practice if any Agency fails to comply with the direction/recommendation, it would be treated as defiance of recommendation and in such cases the Ombudsman may refer the matter to the Governor for further action. Effectively, what happens next is that on account of high case load one such case tends to overshadow numerous others in terms of time and effort and often the guilty go scot free due to complex legal procedures. Thus, it is imperative that direct punitive powers may also be vested with the Ombudsman -naturally to be exercised in extreme circumstances - for the effective and meaningful implementation of the decisions.

Challenge # 4: Dealing with forces of Globalization

While I cannot be certain about the exact situation in other Asian countries but generally the forces of globalization have spread far and wide. One of the major trends of globalization is the privatization of public services and utilities. Nowadays we at Sindh Ombudsman cannot entertain complaints against failures in the newly privatized electricity or telephone utilities. Improper functioning of these services affect citizens on a daily basis. While some regulatory oversight is available in the form the National Electric Power Regulatory Authority" of the Telecommunication Authority, these organizations are too far removed from the ordinary citizen who has a difficult time in reaching the local ombudsman let alone going to a federal organization. Thus our challenge is to convince national regulators to allow continued grievance handling of all utilities with the Ombudsman having geographical jurisdiction.

Challenge # 5: Strategic goals: Improving Systems through better Documentation and Info Management.

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 can thereby monitor and evaluate performance, set standards for and suggest reforms to improve the responsiveness and quality of public services. Through their recommendations ombudsmen act as important drivers of reforms in public administration and administrative justice. However, all of this required very effective documentation and information management. Often most of us being busy in fire fighting - for instance I have to minutely read and sign a large number of cases, meet so many complainants and take care of routine administration that often the strategic function is put aside. I hate to admit it but it is true. It is thanks to conferences like these that the future looking spirit comes alive.

I feel that it is essential to introduce a system whereby Ombudsmen decision are documented the same way that the decisions of the courts are. While some annual reports are available, these still are not in the form that in our case the PLD or Pakistan Legal Decisions are indexed. I have already said that while we do not wish to bring lawyers into the ombudsmen system, we should look into some not-for-profit mechanism of providing legal assistance to our clients and citizens.

Challenge # 6: Getting Close and Remaining Attached to our Complainants

As I mentioned earlier, the Sindh Ombudsman serves some 40 million citizens with a meagre resource base of under US dollars one million (or about US \$ 3 million in purchasing power parity terms). So you see even on parity conversion basis we are able to reach citizens for just 10 cents per person. Reiterating that we are far from our goals, I must state that one important dimension of whatever success we have achieved has come through meeting the challenge of remaining close to the people we Serve. One way that we have discovered is the concept of "Regional Ombudsmen". In comparison with 1991 the foundation year of this Secretariat, when there was only a headquarter at the provincial capital Karachi by now, by the Grace of God, the number of Regional Offices has progressively increased to 13 with offices in all important districts of interior Sindh. These offices may be small but they provide an effective close contact with the people. While the IT revolution is a great boon and must be utilized wherever possible, unfortunately email facilities are not available to the poor and illiterate masses - especially those living in the rural areas. Indeed, some 35 percent of Pakistanis now live below the poverty line so email is certainly an unheard of luxury. With mal-administration being so endemic and persistent, a recent report stated that "good administration requires much more than acting legally."⁸ My predecessor also introduced the concept of taking the Ombudsman institution to the people through sponsorship of cultural and intellectual events. Thus he would hold discussion at schools and introduce the concept of Ombudsman to students or even hold a poetry or literary gathering and never forget to emphasize his official role. It is important to think out of the box when reaching



to the customer - what modern management gurus call marketing.

Much that I wish to contribute more to the thought-process of reforming public grievance redress systems, I do not wish to start a lot of grievances in this room. As it is, you have been patient enough. But before I go, finally something that is obvious and must be in all your hearts but still deserves repeating: Justice has to be taken personally. The Ombudsmen system of alternate dispute resolution and inexpensive grievance redress exists simply because justice is so difficult to obtain for so many in developing countries. Without being personally committed no organization can progress to attain the heights that it is capable of. I would like to end with a quotation from the scientist-philosopher Jacob Bronowski: "The personal commitment of a man to his skill, the emotional commitment and the intellectual commitment working together as one, have made the ascent of man."

References:

1. Extrapolated from the last census's reported figure of 30.8 million (in 1998).
2. Each year since 1990 the Human Development Report has published the human development index (HDI) which looks beyond GDP to a broader definition of well-being. The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and gross enrolment in education) and having a decent standard of living)
5. The infamous Baghdad Prison, now closed down, where extreme systematic psychological torture of ordinary innocent citizens was carried out on the orders of the US Secretary of Defence by depriving them of their human dignity - a form of torture now proven to be more dangerous than physical abuse. Only when pictures of naked prisoners being terrified by ferocious dogs or stories of "water-boarding" (a torture in which simulated drowning is carried out) became public was Secretary Donald Rumsfeld removed.
6. The euphemism used by the free countries for outsourcing torture to countries where human rights are not respected - thus attempting to rid themselves of the legal obligations which they themselves have committed to. Of course, the world does not accept riddance of the moral obligations.
7. Naturally my reference is to the invasion of Iraq through the controversial charge of Weapons of Mass Destruction which were never found - and later shown to have been an invented charge.
8. THE ASIA FOUNDATION, Pakistan Legal and Judicial Reform Project, Cluster Report, Volume II, p. 17.

VISIT OF POS OFFICERS TO THE KYRGYZ REPUBLIC (KYRGYZSTAN)



To attend the Third Issyk Kul International Forum
(on Human Rights), by Syed Akif Former Director General, POS

Until the unfortunate events of this summer when some Pakistani students were caught in the crossfire of riots in the city of Osh, a corner of what itself is generally a remote and peaceful corner of the world - the land locked the Central Asian Republic of Kyrgyzstan - few people from our country had even heard of the place. It was just the sharing of the Persian suffix of "stan" that made the country seem close and familiar.

As for myself, while I had certainly heard of the country's name, that was about all I knew about it until July 2009 when an invitation to attend the Third Issyk Kul International Forum (on Human Rights), to be held jointly in the national capital Bishkek & the resort town of Cholpon-Ata, from July 16 to 18 was received from Mr. Tursunbek Akun, Ombudsman of the Kyrgyz Republic.

Although the Honourable Ombudsman Sindh was in Sweden (attending the 200th anniversary celebrations of the founding the first modern Ombudsman institution), he nominated the Additional Chief Secretary (ACS) Mr. Fasihuddin Khan and the DG Syed Akif (the author) to attend this event.

Much that Bishkek - which was known as Frunze until the country gained independence from the Soviet Union in 1992 - lies only about 1000 mile from Pakistan's borders, the Kyrgyz capital is one of the more difficult to reach destination in today's well connected world. There was just one direct flight from Islamabad (which has now been discontinued). Most travel agents stated that the only way to go there were either through Istanbul or via Dubai and Almaty (Kazakhstan).

It was only by chance that we discovered a third and more direct route via Tashkent which is approached by three weekly flights from Lahore. Unfortunately, however, there were no seats available on this route. It was only at the last minute that one seat became available and this author was able to reach Bishkek almost in time for the Opening Ceremony. The ACS arrived late in the evening and had to drive straight to Chopon Ata- after a very tiring nearly 24-hour journey (via Dubai and Almaty).

The Conference opened in Bishkek on Thursday July 16, 2009 at the AK keme Hotel. The Guest of Honour was the Prime-minister of Kyrgyz Republic, H.E. Mr. Chudinov Igor Vitalyevich. This session comprised of introductions of the delegates, all of whom made brief formal welcome speeches. A plaque was presented by this author to the Prime Minister on behalf of the Sindh Provincial Ombudsman. Following the inauguration and the lunch, the delegates were taken to a guided tour of the capital which included a visit meeting the Deputy Speaker of the Jogorku Kenesh (National Parliament). Here too, the author presents a commemorative plaque, especially inscribed for H.E. Mr. Tagaew Aytibay Sultanovich, Speaker of Kyrgyz Republic, who had been originally scheduled to address the delegates, to the Deputy Speaker.



The day's last official engagement was a press conference at information centre of "Kabar - the official news agency. Towards evening the participants departed on the three hour journey to Chopon-Ata, the capital of the Issyk-Kul region which is named after the second largest fresh water lake in the world - spreading some 200

The working sessions began on the morning of Friday July 17, 2009. The delegates included those from Azerbaijan, Bosnia, Georgia, Iran, Russian Federation (represented by several regional ombudsman), Slovakia, Slovenia and Ukraine as well as representatives from the Organization for Security and Cooperation in Europe (OSCE) which was the main international partner providing resources to make the Conference possible.

The first session entitled "Development conception of national institutions on human rights: priority trends, international standards (indicators) of work quality evaluation" was moderated by Tursunbek Akun, the Akyikatchy (Ombudsman) of Kyrgyz Republic . Session 2 was entitled "Implementation of International experience of National Preventive Mechanism against tortures". It was moderated by Ulugbek Azimov, an independent human rights lawyer.

The third session was held on Saturday morning and its theme was "The role and place of civil sector in the sphere of human rights and freedom protection" was moderated by Burul Makenbaeva, Chairman of Social Human Rights Board under the Ombudsman (Akyikatchy) of Kyrgyz Republic. This author also made a presentation on the Sindh Provincial Ombudsman Institution as well as a slide show on the movement for restoration of an independent judiciary.

In the post lunch session the final Conference Declaration was adopted after deliberations had been held. In the final and concluding session certificates and gifts were presented by the Ombudsman of Kyrgyz Republic to forum participants. The ACS to the POS, Mr. Fasihuddin khan presented a plaque not only to Mr. Tursunbek Akun the Kyrgyz Ombudsman but to both the session chairs. After the end of the conference, a cruise over the Issyk-Kul lake was then arranged.

It was once in a life time experience to see not only the spic and span capital but also the immensely beautiful countryside of Kyrgyztan, a mountainous country of five million people. The special treat was the alpine lake Issyk-Kul, situated at an altitude of over 5000 feet, after which the conference was named. Undergoing political and economic change as the country is, the conference facilities were not as highly developed as one could have expected in many other international locations (especially the fact the internet and telephone kilometers by 40 kilometers. connectivity was very rudimentary). Another limiting factor was the fact that the honourable Kyrgyz Ombudsman as well as many of the other delegates could not speak English. Thus it was not possible to truly interact with the host Ombudsman and most of the many ombuds-persons or to fully comprehend their talks and presentations. Much that a simultaneous translation service was available through a digital device, it was



a far cry from the "real thing" - talks actually delivered in English. Perhaps the feeling was greater in view of the fact that English was the official language of Pakistan and one with which the Pakistani delegates were very familiar. However, several staff officers of the Kyrgyz Ombudsman had spent time abroad and were very fluent in English. It was through them that communication was facilitated. Among these the names of Aydana Karaeva (who visited Pakistan in April 2010 to attend a capacity building workshop held by the Federal Ombudsman), Mr. Kimchi and Mr. Mahmood must be mentioned.

Returning to Bishkek, the POS officers undertook sightseeing and some wonderful shopping. The Ambassador of Pakistan to Kyrgyzstan, Mr. Tanvir Khaskheli very kindly gave a dinner for the visiting officers. In conclusion it must also be said, that the visit of the POS officers to Kyrgyzstan was a truly rewarding and memorable one. It is hoped that in future too POS officers will be able to visit, Kyrgyzstan and other Central Asian Republics.



Images & Reflections



Mr. Asad Ashraf Malik, Ombudsman Sindh presenting crest of the organization to Mr. Anwar Zaheer Jamali, Honourable Chief Justice, High Court of Sindh, during the National Ombudsmen and Administrative Justice Conference 2009 held on 21st May 2009.



Mr. Asad Ashraf Malik, Ombudsman Sindh presenting crest of the organization to Ms. Smaranda Popa, Chief Child Protection, UNICEF Pakistan, Islamabad during her visit to Secretariat Provincial Ombudsman Sindh, Karachi.

Images & Reflections



Mr. Asad Ashraf Malik, Ombudsman Sindh presenting crest of the organization to Dr. Sagheer Ahmed, Provincial Minister for Health who represented the Honourable Governor Sindh on the occasion of National Ombudsmen and Administrative Justice Conference 2009 held on 21st May 2009.

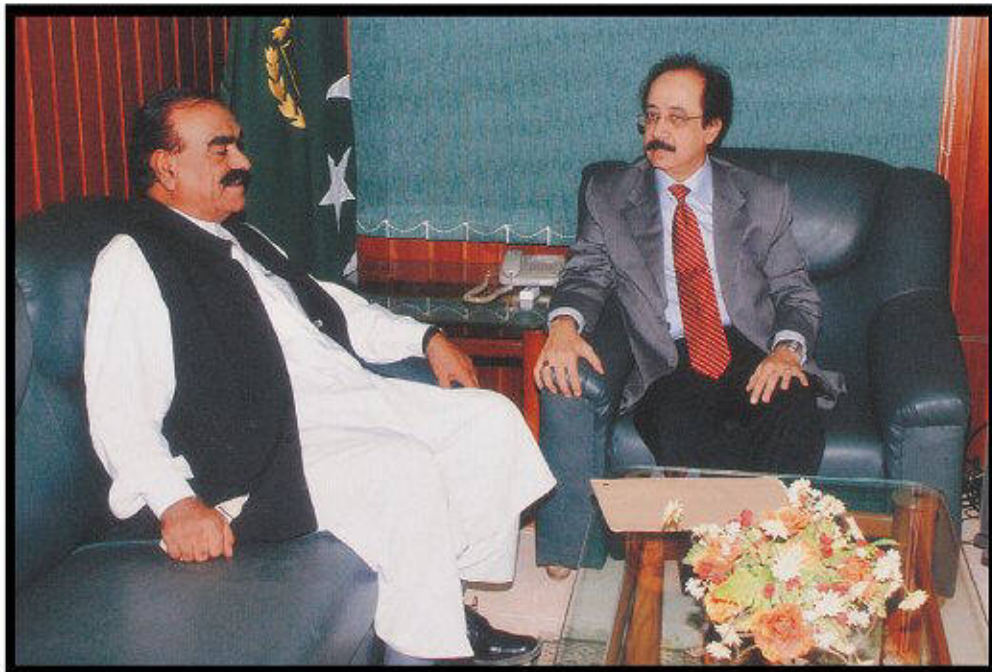


Mr. Khalid Mehmood, Provincial Ombudsman Punjab discussing issues of mutual interest with Mr. Asad Ashraf Malik, Ombudsman Sindh during his visit to Secretariat Provincial Ombudsman Sindh.

Images & Reflections



Ms. Smaranda Popa, Chief Child Protection, UNICEF Pakistan called on Provincial Ombudsman Sindh. She is seen discussing the issues regarding establishment of the Children Complaints Office, in collaboration with UNICEF, with Mr. Asad Ashraf Malik, Ombudsman Sindh.



Mr. Akbar Ali Baloch, Provincial Ombudsman Balochistan, called on Provincial Ombudsman Sindh, Mr. Asad Ashraf Malik and was apprised of various steps taken by Sindh to streamline the working of Ombudsman Secretariat.

Images & Reflections



Provincial Ombudsman Mr. Asad Ashraf Malik administering oath to newly posted/appointed officers of Ombudsman Secretariat and Regional Offices in 2009. On the left are Mr. Zulqarnain Abro, R.D. Larkana, Mr. Afzal Ahmed, Director (Finance), Mr. Muhammad Zakir, Secretary while on the right Mr. Jawed Mashkoor, Deputy Director, Mr. Manzoor Awan, Consultant and Mr. Wahid Bux Mehar, Director General.



Provincial Ombudsman presiding over Officers' Conference. Mr. Zakir, Secretary Ombudsman is also present.

Images & Reflections

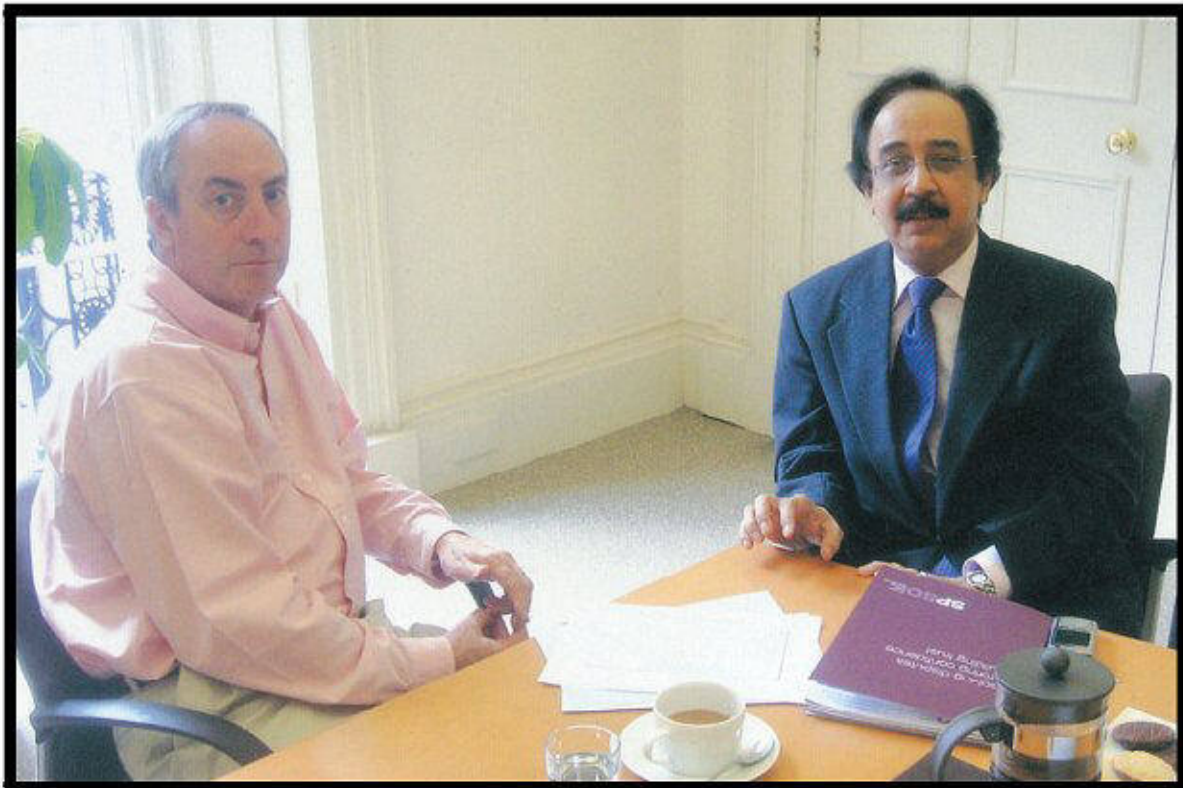


Provincial Ombudsman addressing the Media to brief them on Children Complaints Cell.



Provincial Ombudsman Mr. Asad Ashraf Malik with Hon. Governor Dr. Ishrat ul Ebad Khan & Sports Minister Dr. Muhammad Ali Shah on a visit to Asghar Ali Shah Cricket Stadium.

Visit to Sweden and United Kingdom

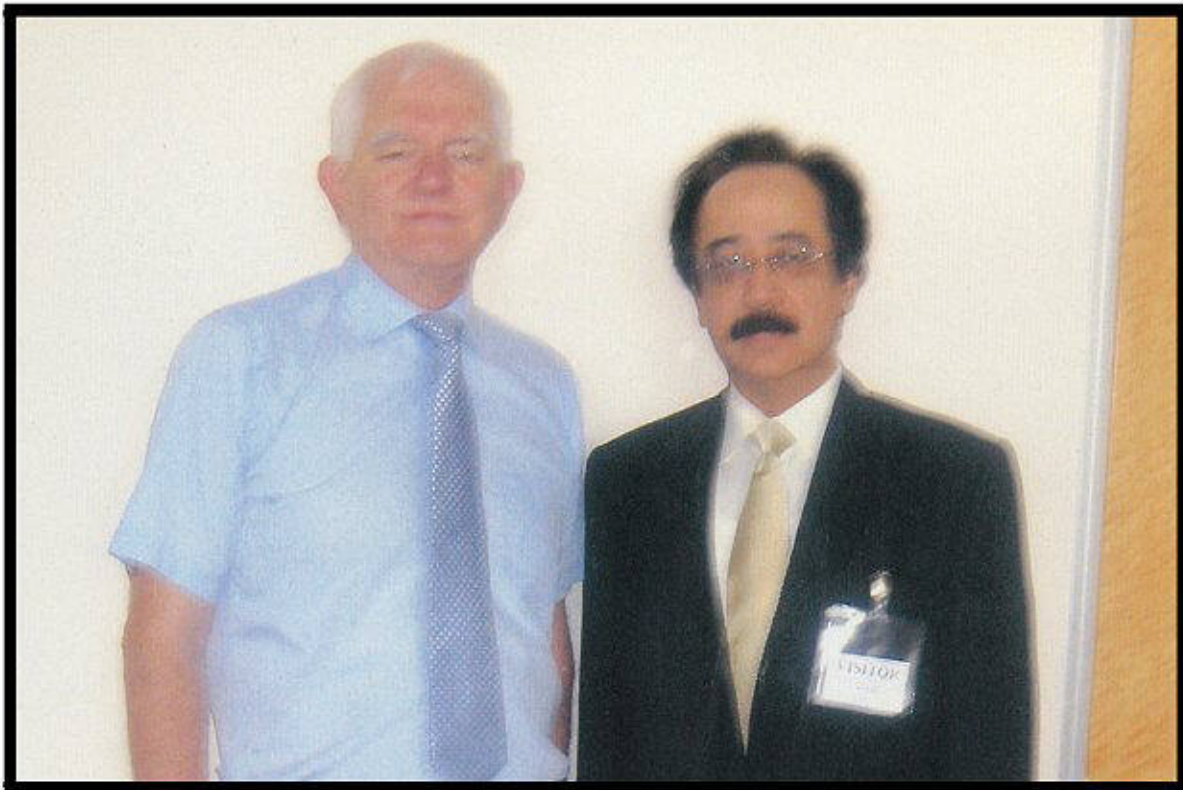


As a followup of International Ombudsman Institute's World Conference 2009 in Sweden, Provincial Ombudsman Mr. Asad Ashraf Malik visited United Kingdom where he had a meeting with Scottish Public Services Ombudsman Mr. Jim Martin. He is seen exchanging views and sharing experiences with Mr. Martin.



Images & Reflections

Visit to Sweden and United Kingdom



Provincial Ombudsman Mr. Asad Ashraf Malik with
Mr. Tony Redmond, Local Government Ombudsman of U.K. in his office in London.

Images & Reflections



'National Ombudsmen & Administrative Justice Conference 2009' was held on 21st May 2009 in Karachi.

Speakers from left to right are Mr. Mansoor ur Rahman Banking Ombudsman, Mr. Shamim Acting Tax Ombudsman, Mr. Yousuf Jamal Advisor to Governor Sindh, Justice (Rtd) Aslam Jafri Insurance Ombudsman, Justice (Rtd) Nasir Aslam Zahid, Dr. Sagheer Ahmed Health Minister Sindh and Mr. Asad Ashraf Malik, Provincial Ombudsman Sindh. The other photograph is of audience and participants

of the conference.



Images & Reflections



Mr. Abu Ahmed Akif, Mr. Zia Awan, Mr. Asad Ashraf Malik and Mr. Andro Shilakadze (UNICEF) addressing the inauguration ceremony of the Children Complaints Office (established with the support of UNICEF in Secretariat Ombudsman Sindh) and Orientation workshop of IOs and staff of C.C.O. on 06.08.2009

Statistical Analysis



STATEMENT SHOWING RECEIPTS AND DISPOSAL OF COMPLAINTS RECEIVED DURING THE PERIOD FROM JANUARY TO DECEMBER 2009

Provincial Government Agencies (including Children's 15 Complaints)	6246
Federal Government Agencies	371
Total receipts during January to December 2009	<u>6617</u>

ACTION TAKEN ON COMPLAINTS RELATING TO PROVINCIAL GOVERNMENT AGENCIES

Admitted for Investigation u/s 10 (including Children's 11 Complaints)	2980	} 2983
Admitted U/S. 33	03	
Forwarded to the Agencies for necessary action	1458	
(including Children's 04 Complaints)		
Rejected + (Deferred/Anonymous/Pseudonymous)	796	
Advised to approach the higher authorities or await action by authorities	1009	
Total	<u>6246</u>	

NATURE OF COMPLAINTS AGAINST PROVINCIAL GOVERNMENT AGENCIES REJECTED / NOT ENTERTAINED AFTER INITIAL SCRUTINY DURING THE PERIOD UNDER REPORT

Service matters	166
No case of mal-Administration	220
Private matters	54
Subjudice	25
Anonymous/Pseudonymous	228
No personal grievance	06
Time barred	44
Closed on account of non response from the complainants (in not admitted cases)	53
Total	<u>796</u>



Statement Showing Year Wise Break Up of the Complaints

NATURE OF COMPLAINTS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	TOTAL
Total Complaints	1768	8595	10349	8236	6486	6167	6233	5586	5582	6551	6637	7297	7382	7813	8846	6889	7937	7031	6617	131989
Federal Government Agencies	192	969	981	716	629	635	559	518	531	591	595	713	698	851	333	238	466	402	371	10988
Provincial Government Agencies	1576	7626	9368	7520	5857	5532	5674	5068	5051	5960	6042	6584	6684	6962	8513	6651	7471	6636	6246	121001
BREAK-UP OF THE COMPLAINTS PERTAINING TO THE PROVINCIAL GOVERNMENT AGENCIES																				
Advised to approach higher authorities/ await action by authorities.	95	1205	1782	1951	1640	2302	2156	2203	2074	1689	2038	2375	2506	2737	2556	1951	1589	1077	1069	35143
Forwarded for necessary action	53	1022	1335	400	488	480	870	757	588	602	509	897	1299	1321	1312	1144	1300	1450	1454	17281
Admitted U.S.10	667	2676	3755	3021	2085	498	660	644	860	1850	1782	1594	1359	1534	2203	3008	3347	2980	2980	37256
Admitted U.S.33	-	-	-	-	-	-	-	-	-	-	-	55	22	25	6	13	530	6	3	660
Rejected, (Def., Anonymous / Pseudonymous)	763	2683	2496	2148	1654	2252	1988	1364	1529	1819	1713	1663	1498	1345	1806	1340	1044	756	796	30657
TOTAL	1576	7626	9368	7520	5837	5532	5674	5068	5051	5960	6042	6584	6684	6962	8513	6651	7471	6636	6246	120997
BREAK-UP OF THE COMPLAINTS REJECTED INITIAL LAY																				
Service matters	191	851	789	718	515	465	510	333	348	359	384	397	355	373	385	256	222	156	166	7471
Non-administration	89	310	308	336	294	303	287	280	316	464	576	539	355	273	784	470	268	214	220	6686
Private matters	84	425	292	199	95	112	56	42	75	71	31	91	90	70	83	76	68	34	54	2049
Subjudice	53	221	191	161	115	97	62	14	56	42	29	30	74	51	34	75	49	17	25	1456
Anonymous/Pseudonymous	43	532	642	420	342	328	358	287	306	356	447	391	405	387	359	386	339	249	228	6805
No. personal Grievance	36	124	125	119	81	65	82	23	25	29	28	17	11	9	6	2	6	3	6	807
Time barred	1	21	26	51	30	87	74	64	24	20	80	97	140	105	79	65	47	31	44	1086
Closed due to non response (not admitted cases)	266	199	123	144	181	795	789	321	379	468	238	101	70	77	16	10	45	52	53	4297
TOTAL	763	2683	2496	2148	1654	2252	1988	1364	1529	1819	1713	1663	1498	1345	1806	1340	1044	756	796	30657

Statement Showing Year Wise Decision Taken Upto December 2009



1992	<u>Total Decisions</u>	<u>1581</u>	
	(I) Relief	1086	Cases
	(II) Rejected	<u>495</u>	Cases
		<u>1581</u>	
1993	<u>Total Decisions</u>	<u>3088</u>	
	(I) Relief	2282	Cases
	(II) Rejected	<u>806</u>	Cases
		<u>3088</u>	
1994	<u>Total Decisions</u>	<u>2997</u>	
	(I) Relief	2154	Cases
	(II) Rejected	<u>843</u>	Cases
		<u>2997</u>	
1995	<u>Total Decisions</u>	<u>2362</u>	
	(I) Relief	1721	Cases
	(II) Rejected	<u>641</u>	Cases
		<u>2362</u>	
1996	<u>Total Decisions</u>	<u>1167</u>	
	(I) Relief	927	Cases
	(II) Rejected	<u>240</u>	Cases
		<u>1167</u>	
1997	<u>Total Decisions</u>	<u>854</u>	
	(I) Relief	626	Cases
	(II) Rejected	<u>228</u>	Cases
		<u>854</u>	
1998	<u>Total Decisions</u>	<u>1017</u>	
	(I) Relief	740	Cases
	(II) Rejected	<u>277</u>	Cases
		<u>1017</u>	
1999	<u>Total Decisions</u>	<u>876</u>	
	(I) Relief	666	Cases
	(II) Rejected	<u>210</u>	Cases
		<u>876</u>	
2000	<u>Total Decisions</u>	<u>869</u>	
	(I) Relief	668	Cases
	(II) Rejected	<u>201</u>	Cases
		<u>869</u>	



2001	Total Decisions 1812	
	(I) Relief	1518 Cases
	(II) Rejected	<u>294</u> Cases
		<u>1812</u>
2002	Total Decisions 1418	
	(I) Relief	1026 Cases
	(II) Rejected	<u>392</u> Cases
		<u>1418</u>
2003	Total Decisions 1177	
	(I) Relief	862 Cases
	(II) Rejected	<u>315</u> Cases
		<u>1177</u>
2004	Total Decisions 944	
	(I) Relief	629 Cases
	(II) Rejected	<u>315</u> Cases
		<u>944</u>
2005	Total Decisions 1899	
	(I) Relief	1035 Cases
	(II) Rejected	<u>864</u> Cases
		<u>1899</u>
2006	Total Decisions 2123	
	(I) Relief	951 Cases
	(II) Rejected	<u>1172</u> Cases
		<u>2123</u>
2007	Total Decisions 2708	
	(I) Relief	1906 Cases
	(II) Rejected	<u>802</u> Cases
		<u>2708</u>
2008	Total Decisions 1313	
	(I) Relief	973 Cases
	(II) Rejected	<u>340</u> Cases
		<u>1313</u>
2009	Total Decisions 1409 *	
	(I) Relief	1057 Cases
	(II) Rejected	<u>352</u> Cases
		<u>1409</u>

* Including under Section 33

GRAND TOTAL

TOTAL DECISIONS 29,614

(I) Relief 20,827 Cases
(II) Rejected 8,787 Cases
29614

Representations to Governor

Bf, 2008	+	Receipt Jan-2009 to Dec. 2009	=	Total	+	Decided Jan. 2009 to Dec. 2009	=	Pending as on 31.12.2009
05		13		18		15		03

Representation Received from	Jan. 2009	to	Dec. 2009	13
Representation Decided from	Jan. 2009	to	Dec. 2009	15 ●
Total Representation to Governor received from	Oct. 1991	to	31.12.2009	328
Total Representation to Governor Decided from	Oct. 1991	to	31.12.2009	325 *
Total Representation to Governor Pending as on 31.12.2006				03

Relief Provided	Nil	Relief Provided	58
Rejected	15	Rejected	267
	15 ●		325 *



Agency Wise Distribution of Cases Admitted

<u>S.NO</u>	<u>NAME OF DEPARTMENT</u>	<u>NO. OF CASES</u>
1	HOME / POLICE	664
2	CITY DISTRICT GOVT. (K.M.C)	210
3	REVENUE	317
4	LOCAL GOVERNMENT	239
5	EDUCATION	396
6	I & P	150
7	H.T.P	100
8	K.D.A (DEFUNCT)	91
9	A.G. SINDH	86
10	ZAKAT & USHR	121
11	HEALTH	71
12	WORKS & SERVICES	91
13	K.B.C.A	49
14	KW&SB	68
15	AGRICULTURE DEPARTMENT	72
16	FINANCE	32
17	EXCISE & TAXATION	28
18	IND, MINES & MINERAL	31
19	FOOD	8
20	LABOUR	15
21	S & GAD	40
22	SOCIAL WELFARE	10
23	POPULATION & WEL.	3
24	FOREST	3
25	CULTURE & TOURISM	3
26	INFORMATION	3
27	A.C.E	4
28	S.P.S.C	6
29	E.P.A	1
30	TRANSPORT	22
31	S.E.S.S.I	6
32	P.H.F.D	15
33	FISHERIES / WILD LIFE	4
34	COOPERATION	16
35	AUQAF	5
36	Law Department	3
	TOTAL	2983



Agency Wise Distribution of Cases Admitted from 1991 to 2009

S.No.	Department	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	G.TOTAL
01	K.D.A	120	280	265	172	67	36	56	48	96	163	164	133	47	65	169	111	89	78	91	2251
02	K.M.C/CITY DIST. GOVT.	48	226	704	602	315	63	76	50	84	142	241	195	111	149	240	408	291	309	210	4464
03	LOCAL GOVT.	71	357	429	516	294	69	54	119	161	302	263	186	188	232	401	254	251	215	239	4601
04	H.T.P.	07	69	73	48	19	17	23	28	62	381	362	137	204	85	195	70	99	69	100	2049
05	HOME / POLICE	91	231	385	175	224	46	48	41	51	150	191	313	259	277	541	376	637	697	664	5397
06	EDUCATION	76	353	581	470	430	94	97	96	98	230	232	229	211	174	225	250	299	439	396	4980
07	WORK & SERVICES	19	88	103	224	192	22	18	31	69	45	19	24	09	18	55	43	87	67	91	1224
08	I & P	33	191	246	215	146	29	38	87	96	152	51	67	78	188	258	136	276	252	150	2689
09	LABOUR	26	89	97	56	69	60	129	18	25	32	23	11	03	18	29	08	19	11	15	738
10	HEALTH	14	75	67	48	45	12	10	18	11	24	29	35	22	33	82	46	64	59	71	765
11	REVENUE	86	530	611	336	174	23	55	55	39	105	80	119	124	166	277	317	284	322	317	4020
12	EXCISE & TAXATION	11	22	08	10	12	01	06	01	02	12	17	29	19	13	13	12	25	20	28	261
13	AGRICULTURE DEPTT.	06	18	17	25	15	05	16	11	06	32	27	18	12	22	23	30	68	60	72	481
14	FOREST	02	07	16	19	23	02	-	03	05	04	07	10	10	07	11	02	10	03	03	144
15	IND. & MIN.	14	20	18	41	16	04	04	09	21	12	13	15	04	09	08	12	25	19	31	295
16	FOOD	13	24	24	16	10	03	18	15	15	13	18	14	04	11	07	08	09	10	08	240
17	INFORMATION	-	05	04	02	01	-	-	-	-	01	01	-	-	-	01	01	01	03	03	23
18	LAW DEPARTMENT	03	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	-	03	17
19	E.P.A	02	03	08	02	08	03	-	-	-	-	02	05	01	-	-	-	06	04	01	34
20	S & GAD	07	24	19	09	08	03	02	11	05	24	18	23	16	24	17	07	46	39	40	342
21	SOCIAL WELFARE	-	08	11	14	06	03	06	02	07	05	06	11	01	02	10	05	05	09	10	121
22	FINANCE	09	17	25	08	06	02	03	-	05	05	09	07	04	12	16	17	23	27	32	225
23	CULTURE & TOURISM	02	-	03	03	02	-	01	-	-	01	01	02	01	03	04	01	06	15	03	47
24	ZAKAT & USHR	06	28	36	09	09	-	-	-	01	15	04	11	30	22	98	40	570	286	121	1284
25	POPULATION & WEL.	01	-	05	01	02	04	-	-	01	01	04	-	01	05	14	04	04	02	03	53
26	A.G.SINDH	-	-	-	-	-	-	-	-	-	-	-	-	-	03	39	57	108	99	86	392
27	ANTI CORRUPTION	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	01	03	02	04	10
28	S.P.S.C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	03	02	06	11
29	SE.S.S.I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	06	04	06	16
30	R.H.E.D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	06	11	15	32
31	TRANSPORT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21	30	22	73
32	K.B.C.A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	73	69	49	191
33	FISHERIES /W LIFE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	02	03	04	09
34	COOPERATION	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21	25	16	62
35	AUQAF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	08	05	23
36	K.W&S.B	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	91	85	68	244
	Grand Total	667	2676	3755	3021	2085	498	660	644	860	1850	1782	1594	1359	1534	2733	2216	3538	3353	2983	37808

DECISIONS TAKEN DURING THE PERIOD
JANUARY TO DECEMBER 2009

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
Relief Provided	-	-	-	-	-	-	5	9	17	46	86	215	474	205	1057
Rejected	-	-	-	-	-	2	-	4	5	28	25	103	132	53	352
Grand Total	0	0	0	0	0	2	5	13	22	74	111	318	606	258	1409

DETAIL OF SUO-MOTO CASES ADMITTED
DURING THE YEAR 2009

Sr.No	Case No	Agency	Allocated
1	POS/4134/2009	Education	Registrar-M

Special Cases



DECISION

Complaint No.	POS/428/2009/C-19
Name and address of the complainant.	Mr. Muhammad Rafique Abbasi House No.R-7, Ayaz Town, Block-2, Gulshan-e-Iqbal Karachi
Name of the Agency complained against.	Police Department, Government of Sindh
Name & Designation of Investigating Officer	Sayed Amir Ali Shah - D.G. (A&C)/ADVISOR-C
Subject :-	<u>COMPLAINT REGARDING DELAY AND DISCRIMINATION IN ALLOWING MOVE- OVER TO THE COMPLAINANT TILL HIS RETIREMENT DESPITE THE SENIOR MOST INCUMBENT</u>

THE COMPLAINT

Mr. Muhammad Rafique Abbasi in his complaint dated 16.02.2009 alleged that he was the senior most Superintendent (in selection grade BPS-17) posted in ETT Branch, C.P.O. Sindh vide Notification of Home Department No.POL-HD/2-4/99 dated 06.12.1999 and was fully eligible in all respects to be promoted as Assistant Director and move-over, three posts of Assistant Directors were lying vacant in the year 2000-2001. He made several applications to the then Inspector General of Police for promoting him being the senior most Superintendent but despite the directions regarding submission of his case, the officer for no reasons discrimination put his case in cold storage which demand unattended till his retirement on 06.08.2004 and during that period one Mr.Abdul Farooq Khan (Superintendent Budget) was promoted on out of turn basis in June, 2004, whose number ranked at serial No. 10 of the seniority list. As such he was deprived of his legal right despite having no adverse remarks in his A.C.Rs. He further asserted that discriminatory behavior of the department could be judged that in the year 2007 the P.P.O. Sindh allowed move-over of BPS-18 to one Mr. Mubarak Noor on his request from the year 2000 and further promoted four Superintendents in the year 2007 while his requests still remained unattended due to which he had to face financial loss in his pension and gratuity. He made continues efforts through his applications to the higher authorities but all in vain. He therefore sought our intervention .

PROCEEDINGS

2. The matter was taken up with the respective Agency. Since the report was not forthcoming, the case was fixed for hearing on 19.06.2009, 06.07.2009 and finally on 01.08.2009 when A.I.G. Legal furnished a copy of lctter dated 30.06.2009 from AIG Establishment addressed to A.I.G. Legal vide which the case of the complainant was turned down. According to this report it was conceded that the posts of Assistant Director were vacant and some correspondence was also made but promotions were made in 2007 while the complainant had already been retired in 2004. It was also stated that Mr. Abdul Farooq, Superintendent was not promoted as Assistant Director but was given charge to look after the work of Assistant Director Budget on acting charge basis. This report was silent about the grant of move-over of Mr. Mubarak Noor from 2000 in the year 2007.

CONCLUSION

3. I have examined the case and the documents available on record and find that the facts are quite contrary to the report submitted by the department and justify the claim of complainant. I have also observed and seen my own endorsement/orders dated 12.02.2002 when I was Addl: Inspector General of Police Sindh regarding submission and preparation of case of promotion on the request of the complaint on the basis of documents available on record and clarification regarding having any adverse remarks available on his Character Roll/ACRs but unfortunately the process



could not be completed during my tenure . It is quite obvious that great injustice had been done to the complainant by intentionally delaying the case of the complainant till his retirement in 2004 while he was the senior most Superintendent and was the genuine claimant of promotion as Assistant Director and subsequent move-over in grade-18 at the time of his retirement , since he had no any adverse remarks in his A.C.Rs as clarified by the department vide letter No.1029/EIT/Trn:Post/2003 dated 19.06.2003 (placed on record). The callous and apathetic attitude of the department has deprived the senior most deserving employee of his rightful claim, especially when he was nearest his retirement. Even in the wake of clear cut instructions of the then Inspector General of Police Sindh vide his letter No. 3177-81/E-IV/2003 dated 18.06.2003 (placed on record), the department took no urgent steps to process the promotion cases.

FINDINGS

4. In view of the aforesaid. I, in exercise of the power vested in me under section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, hereby direct the Provincial Police Officer Sindh to give proforma promotion to the complainant as Assistant Director (BPS-17) w.e.f. 2000 being the senior most Superintendent as per the notification of Home Department No.POL- HD/2-4/99 dated 06.12.1999 for the purpose of pension benefits in order to save him from financial loss. The department should also initiate an enquiry to know the delinquents who were responsible for illegally obstructing the case of complainant and take suitable disciplinary action against them so that in future such injustices could be curbed. Compliance report be submitted to me inside 60 days.

5. The complaint stands disposed of with the above observations/orders
Given under my hand and seal.



Sd/-
(ASAD ASHRAF MALIK)
PPM, PSP
Ombudsman, Sindh
Karachi, dated 24th October, 2009

Special Cases



DECISION

Complaint No.	POS/ROM/45/2009/RM-99
Name and address of the complainant.	Prof. Retired Mirza Ishtiaque Baig. R/o Mughal House, Jamnadas Colony, Mirpurkhas.
Name of the Agency complained against.	University of Sindh, Jamshoro
Name & Designation of Investigating Officer	Mr. Shafiq Ahmed Khan, Director, Regional Office, Mirpurkhas.
Subject :-	<u>ALLEGED NON-ISSUANCE OF DEGREE CERTIFICATES</u>

THE COMPLAINT

Prof. (Retired) Mirza Ishtiaque Baig, filed a complaint dated 08.07.2009, against concerned authorities of Sindh University, Jamshoro, regarding non-issuance of degree certificates, despite the fact that they had recovered degree fees alongwith examination fee from the students at the time of submission of the examination forms. He, therefore, requested for directions to the Agency for issuance of degrees of his sons namely Mirza Abdul Razzaq Baig, Mirza Ishtiaque Baig, Mirza Asad Baig Sunder, his daughters Alia Ishtiaque, Uzma Ishtiaque, Tehzeeb Ishtiaque and his daughter-in-law Ghazala Rani.

PROCEEDINGS

2. After preliminary correspondence, the Controller of Examinations, University of Sindh, Jamshoro, sent the requisite degrees (total ten in number) vide his letter dated 04.09.2009 through his representative who produced the same before the Investigating Officer on 07.09.2009. The complainant was contacted and informed of the said position who appeared before the Investigating Officer on 10.09.2009 and the original degrees were delivered to him. He acknowledge receipt of the same vide his statement of the date, expressed his gratitude to this institution. He also requested us to close the case.

CONCLUSION

3. In view of the above, the complaint stands redressed and disposed of accordingly.



Sd/-
(ASAD ASHRAF MALIK)
PPM, PSP
Ombudsman, Sindh
Karachi, dated 20th October, 2009



Special Cases



DECISION

Complaint No.	POS/521/RH/2007
Name and address of the complainant.	Mr. Abdul Mannan. Talha Enterprises, Near Maa Jee Hospital, Autobhan Road, Latifabad Unit No. 7, Hyderabad.
Name of the Agency complained against.	Taluka Municipal Administration, Chamber
Name & Designation of Investigating Officer	Mr. Aluned Jamal Aijazi Director, Regional Office, Hyderabad
Subject :-	<u>ALLEGED FRAUD COMMITTED BY TALUKA OFFICER (FINANCE) TALUKA MUNICIPAL ADMINISTRATION CHAMBER DISTRICT TANDO ALLAHYAR</u>

THE COMPLAINT

Mr. Abdul Mannan, stated in his complaint dated nil (received on 12.11.2007) that he visited Taluka Municipal Administration, Chamber office in connection with a tender notice published in daily Kawish on 29.12.2006 for supply of quite a few items including a generator. He said that he met there with Taluka Officer (Finance) Mr. Shakil Qaimkhani, who received from him an amount of Rs.10,000/- in cash towards call deposit on his (complainant's) behalf from the bank. He further added that the said Taluka Officer subsequently received from him an amount of Rs. 700,000/- fraudulently in place of supplying the generator on the pretext that the department would procure a generator of its own choice and payment of Rs.900,000/- made to him (complainant) in fifteen days time. Afterwards he met the Taluka Municipal Officer, Chamber, discussion with whom revealed that all proceedings by the Taluka Officer (Finance) as mentioned above were phoney and such supply order was bearing T.M.O's false signature. He therefore, contacted the Taluka Officer and demanded his money back and upon his insistence the alleged Taluka Officer, gave him two cheques worth Rs.700,000/- which were subsequently bounced. He added that he managed to get back an amount of Rs.300,000/- from the said Taluka Officer, with the help of a notable person. but a sum of Rs.400,000/- yet remained unpaid. He therefore, solicited our intervention for taking the culprit to task and getting back his balance amount of Rs.400,000/-

PROCEEDINGS

2. The Taluka Municipal Officer, Taluka Municipal Administration, Chamber submitted report vide his letter dated 29.11.2007, in the matter that the alleged official had been absconding from duty since four months and the transaction related by the complainant in between him and the said official, was in an individual capacity and the cheques issued by the letter (alleged official) belonged to his personal Bank Accounts. The Investigating Officer sent a copy of the said letter to the complainant vide his letter dated 04.12.2007 for his comments rejoinder if any. In response, he appeared in our Regional Office, Hyderabad on 30.05.2009 and submitted an application that his grievance against the Taluka Officer (Finance) Chamber, had been resolved seven months back and requested us therein to close the case.

DECISION

3. In view of the above, the complaint stands redressed and disposed of accordingly. However, in view of the magnitude of mal-administration involved in this case, I do hereby direct the Chairman, Anti-Corruption and Enquiries Sindh, Karachi, to proceed further against Mr. Shakeel Ahmed Kaimkhani, the then Taluka Officer (Finance), Taluka Municipal Administration, Chamber, District Tando Allahyar, under the law/rules and report result of the proceedings to me within sixty days. The Regional Director, Hyderabad, is also directed to provide him copies of the relevant documents including complaint alongwith a copy of this decision immediately.



Sd/-

(ASAD ASHRAF MALIK)

PPM, PSP

Ombudsman, Sindh

Karachi, dated 9th October 2009

Special Cases



DECISION

Complaint No.	POS/550/09/D.G-1
Name and address of the complainant.	Saiyed Mohib Asad, House 5, Street 9, Sector F 8/3, Islamabad
Name of the Agency complained against.	Services, General Administration & Coordination Department, Government of Sindh.
Name & Designation of Investigating Officer	Syed Abu Ahmad Akif, Director General-II
Subject :-	<u>REMOVAL OF DISCRIMINATION IN AWARDING FACILITIES TO THE RETIRED INSPECTOR GENERALS OF SINDH POLICE.</u>

THE COMPLAINT

Saiyed Mohib Asad made a complaint on 25.02.2009 that vide summary bearing No.4624/B-III/2006 dated 20.11.2006, Government of Sindh had given certain life time facilities to its retired heads of police (IGPs, PPOs) on the pattern initiated by the Government of Punjab. However, in the notification No. SO(C-1)SGA&CD/4-31/2007 dated 20.09.2007 issued by the S&GAD, these facilities were made applicable only to those Inspectors General who are permanently settled in Sindh, which is a violation of the order of Chief Minister, Sindh. He, therefore, approached this Secretariat for seeking redressal of his grievances and praying for directions to Agency to remove this anomaly from the notification.

REPORT OF THE AGENCY

2. The matter was taken up with the Agency but despite several opportunities, no plausible reply was received from it. The Agency has failed to rebut the contention of the complaint. The reference from this institution was dealt in a most slipshod manner in the S&GAD and was handled cluelessly.

FINDINGS

3. From the scrutiny of the record it transpires that vide summary bearing No. 4624/B-III/2006 dated 20.11.2006 floated by Provincial Police Officer, Sindh, Karachi, the following facilities detailed under para 2 of the summary were approved by the competent authority viz: Chief Minister, Sindh; para 2 is reproduced hereunder:

“It is requested that the similar facilities may kindly be granted to the retired Inspectors General of Police of Sindh by the Government of Sindh, viz.”

- i. License exemption for possession of one prohibited bore and two non-prohibited bore weapons.
- ii. Free access to Government Guest Houses, Rest Houses and Circuit Houses in the Province and at Punjab Houses, Islamabad and Karachi.
- iii. Pick and drop facilities at Karachi, Lahore and Islamabad Airport with protocol coverage
- iv. Provision of a staff car for a maximum of 03 days during stay at Punjab House, Islamabad and Karachi.
- v. Services of a driver for life time to be appointed by the former Inspector General of Police, himself.
- vi. Services of a gunman from the Provincial Police for life time.

There was no proviso or condition appended to the above facilities.

4. In the notification No. SO(C-1)SGA&CD/4-31/2007 dated 20.09.2007 issued by the S&GAD, Government of Sindh a change was, however, made from the order of Chief Minister (approved summary) and the



facilities extended to the retired Inspector General of Police/Provincial Police Officer of Sindh were unilaterally and without lawful authority restricted to those IGPs / PPOs who were permanently settled in Sindh, Thus, while these words were not mentioned in the summary, these were malafidely added subsequently in the notification without approval of the competent authority. It is clear that in the summary approved by the competent authority, the above stated facilities have been allowed to all retired Inspector General of Police of Sindh, irrespective of the place of their settlement. Therefore, by imposing the above condition in the notification, the S&GAD has committed itself to an unlawful and discriminatory action, which amounts to Maladministration.

DECISION

5. I, therefore, in exercise of powers vested in me under Section 11(1) of the Office of Ombudsman for the Province of Sindh, Act, 1991, hereby direct the Chief Secretary, Government of Sindh to delete the words “**and are permanently settled**” from the notification bearing No.SO(S-1)SGA&CD/4-2/2007 dated 20.09.2007, by issuing a corrigendum within 15 days of this order to bring it in line with summary approved by the competent authority and to make it applicable to all Inspector Generals of Police /Provincial Police Officers Sindh who have been retired in Sindh, irrespective of their settlement or residence after their retirement. Compliance of these orders must be reported to me inside 20 days.

6. With the above observations, the compliant is disposed of accordingly.
Given under my hand and seal of this Office.



Sd/-
(ASAD ASHRAF MALIK)
PPM, PSP
Ombudsman, Sindh
Karachi, dated 01-08-2009

Special Cases



DECISION

Complaint No.	POS/86/2008/KC
Name and address of the complainant.	Syed Ausaf Ali, House No. R-789, Block-15, F.B. Area, Karachi
Name of the Agency complained against.	Karachi Development Authority
Name & Designation of Investigating Officer	Nazir Ahmed Qidwai Regional Director, Karachi (Central)
Subject :-	NON-ISSUANCE OF MUTATION ORDER IN RESPECT OF H.NO.R-789, BLOCK-15, F.B. AREA, KARACHI.

THE COMPLAINT

Syed Ausaf Ali filed a complaint on 29.12.2008 wherein he stated that he had purchased H.No.R-789, Block-15, F.B.Area, Karachi, from one Shaikh Sanaullah Ansari. He further stated that at the time of verification from KDA, the concerned department did not inform him that there was some problem with the property whereas they have raised certain objections for the mutation of the said house in the name of the seller, Shaikh Sanaullah Ansari whose request for the mutation had been pending with KDA (defunct) for the last one year. He, therefore, requested us to direct the KDA (defunct) CDGK to issue mutation order in the name of the seller.

REPORT OF THE AGENCY

2. The matter was referred to the Agency. Deputy District Officer (Land Management), CDGK, in his letter dated 24.12.2008 reported as under:

- a) "The plot No.R-789, Block-15, measuring 120Sq. Yds., Scheme-16 F.B Area, Karachi in question was allotted to Mr. Anwar Bhatti vide Allotment Order No.8145. Possession order was also issued to him vide Registration No.617 dated 13.02.1966."
- b) Mr. Anwar Bhatti sold the said plot to Mr. Farrukh Hussain and mutation order was effected in his favour on 16.07.1974.
- c) Subsequently it was mutated in favour of Mrs. Khurshed w/o Mr. Ghulam Khan on the basis of Sale Deed and mutation was effected on 03.10.1974 and permission to mortgage was also issued in favour of M/s. House Building Finance Corporation on 29.10.1974.
- d) A letter was received from Assistant Director, F.I.A. enquiring about Plot No.R-789, Block-15, F.B. Area, Karachi vide letter No. KB/Ast/E- 13/80/503 dated 26.11.1980 and the required information was provided by this office (CDGK) to Assistant Director, F.I.A. vide letter No.2662 dated 23.12.1980.
- e) Later on a Form No.2/10171 and Form No.7/6526 were received from Shaikh Sanaullah Khan for mutation on the basis of registered Sale Deed and issuance of Certificate True Copy of Allotment Order, Possession Order, Acknowledgement of possession and site plan in respect of above noted plot.
- f) A letter was sent to Assistant Director, F.I.A. (Asset Branch) for No Objection Certificate for the mutation of the plot on the basis of sale deed and issuance of C.T.C. in favour of proposed mutatee vide order letter No. 1588, dated 02-08-2007 but no reply had been received so far.

PROCEEDINGS

3. Matter was taken up with the authorities of Federal Investigation Agency (FIA) for completing the enquiry



expeditiously and issuing the required NOC to resolve the matter.

4. Deputy Director (Crime), F.I.A. Sindh, Karachi vide letter dated 19.09.2009 confirmed that enquiry No.13/80 of F.I.A. Assets Branch was not pending or under process in F.I.A. Crime Circle, Karachi and that being old record, the file was also not traceable in the circle.

5. Deputy District Officer, Revenue Group of Offices (Land Management), Scheme 16, F.B. Area, Karachi in his letter dated 27.10.2009 informed that Mutation order No.1360, dated 19.10.2009 had been issued in favour of Shaikh Sanauallah Ansari.

6. The complainant Syed Ausaf Ali submitted a letter on 04.11.2009 wherein he confirmed to have received the required Mutation letter. He also thanked the institution of Ombudsman for taking prompt action for the redressal of his grievance.

CONCLUSION

7. The case is, therefore, disposed of as redressed.

Given under my hand and seal of office.



Sd/-

(ASAD ASHRAF MALIK)
PPM, PSP

Ombudsman, Sindh
Karachi, dated 22th December 2009

Special Cases



DECISION

Complaint No.	POS/1315/09/G
Name and address of the complainant.	Mr. Ghulam Yasin c/o 58, 3rd Floor, Noman Shopping Square, Saddar, Karachi-74400
Name of the Agency complained against.	Revenue Department, Government of Sindh
Name & Designation of Investigating Officer	Mr, Muhammad Akram Saeed, Director-G
Subject :-	<u>DELAY IN ISSUANCE OF AVAILABILITY REPORT FOR CONVERSION OF 30 YEARS POULTRY FARMING LEASE INTO 99 YEARS AGRO BASED INDUSTRIAL PURPOSE REQUEST FOR INTERVENTION.</u>

THE COMPLAINT

Mr. Ghulam Yasin filed a complaint dated 11.05.2009 alleging delay in issuance of availability report of four (4-00) acres land, NC No.308, Deh Joreji, Bin Qasim Town, Karachi for conversion of 30 years poultry farming lease into 99 years agro- based industrial purpose despite repeated approaches to concerned authorities. He therefore, sought our intervention in the matter.

REPORT OF THE AGENCY

02. The Mukhtiarkar (Revenue), Bin Qasim Town, Karachi vide letter dated 06.10.2009 reported that plot No.3 having an area of 04-00 acres out of NC No.308, Deh Joreji was leased out to the complainant Mr. Ghulam Yasin s/o Allah Dita by way of transfer from Qamar Din s/o Parajiyo for remaining period of 30 years lease for poultry farming purpose from 1987-88 vide order No.Rev/1761/88 dated 02.05.1988 of the Deputy Commissioner Karachi, East as revealed from the revenue record entry No.1553 dated 28.03.1989 of VF-VII, Deh Joreji. The complainant mortgaged the land in favour of Agricultural Development Bank of Pakistan, Memon Goth branch, Karachi and obtained loan as appeared from the revenue record entry No.1579 of VF-VII dated 26.06.1989 Deh Joreji.

COMPLAINANT'S REJOINDER

03. The complainant in his rejoinder dated 22-10-2009 admitted the facts stating tha the loan was paid to the bank and the bank authorities have issued "No Dues Certificate" vide No.IHB/KYC/Loan Misc(006620)/2009 dated 12-10-2009. Relevant documents/NOC was submitted in the Mukhtiarkar office on 21-10-2009. He requested to direct Mukhtiarkar (Revenue), Bin Qasim Town, Karachi to take further action in the matter and furnish availability report of his land to DO/EDO (Revenue), CDGK for further action.

FURTHER PROCEEDINGS

04. On continuous persuasion, Mukhtiarkar (Revenue), Bin Qasim Town, Karachi vide his letter dated 17.11.2009 informed that the complainant has paid the loan and the Bank authorities have issued "No Dues Certificate" dated 12.10.2009. Accordingly, such clearance note has been put on the face of entry No.1579 of VF-VII, Deh Joreji. Now the land is free from all encumbrances and comes under A-1 Category of the Deh Joreji. Mukhtiarkar (Revenue) issued land availability report and sent to District Officer (Revenue), City District Government, Karachi for further action. He also submitted copy of the report in this office which is kept on case file and its photostat copy was also provided to the complainant.

05. The complainant vide his letter dated 18-11-2009 received in this Secretariat on 26.11.2009 confirmed the



issuance of requisite report and expressed satisfaction over redressal of his grievances. He also extended thanks to this Institution and requested to close his case.

CONCLUSION

06. In view of above, the complaint stands disposed of as redressed.



Sd/-

(ASAD ASHRAF MALIK)

PPM, PSP

Ombudsman, Sindh

Karachi, dated 22th December 2009



DECISION

Complaint No.	POS/748/2002-E
Name and address of the complainant.	Mr. S. Yahya Aftab Jaffri Room 908, 9th Floor, Uni Plaza, I.I. Chundrigar Road, Karachi
Name of the Agency complained against.	Sindh Industrial Trading Estates, Industries Department, Govt. of Sindh, Karachi
Name & Designation of Investigating Officer	Col (Retd) Ghulam Mohiuddin Director, Regional Office, Karachi (East)
Subject :-	DELAY IN ALLOTMENT OF ONE ACRE LAND FOR WHICH AN AMOUNT OF RS.10,70,975/- WAS DEPOSITED WITH THE AGENCY.

THE COMPLAINT

Mr. S. Yahya Aftab Jaffri filed a complaint dated 12.02.2002, alleging that his company had applied for allotment of one acre industrial plot in SITE Ltd. on 08.11.1993 to establish a pharmaceutical factory. He deposited the prescribed amount and completed all necessary formalities required in such cases. In spite of repeated written requests and personal visits he was not allotted a plot till 12.02.2002, when he approached the Ombudsman to intervene and get him the required piece of land in the SITE. On the Ombudsman's intervention the complaint was allotted a 0.5 acre plot No.K/138 at SITE, Super Highway Phase-II, Karachi, on 26.09.2002. Although, over a period of time, he had paid Rs.10,70,975/- including late [payment surcharge amounting to Rs.210,000/-, but neither the plot was demarcated nor physical possession of the allotted plot No.K/138 was handed over to him in spite of passage of about sixteen (16) years because no development work had been carried out by them at the said site. The plea taken by the SITE Administration was that as the plot was located on a hillock, therefore, no development work was possible. However, the Executive Engineer, SITE assured that once the hillock was removed, development work would commence. The complainant pleaded that as he had paid the entire amount payable for the said plot, SITE Ltd. should be directed to hand over fully developed plot to him without any further delay. He, therefore, requested for our intervention in the matter.

REPORT OF THE AGENCY

2. The SITE Ltd. vide its letter dated 21.07.2008 submitted that the Allotment Committee provisionally allotted plot No.K/138 admeasuring 0.5 acre to the complainant on 26.09.2002. The SITE Ltd acknowledged to have received 50% of the cost of plot and directed the complainant to remit balance 50% amounting to Rs.375,000/- within 30 days in lump sum. The Agency, however, refused to demarcate and hand over physical possession of the plot on the plea that complainant's plot, alongwith more than 100 other plots, was located on a huge hillock which was under the process of removal. Once the hillock was removed demarcation and process of physical possession would be carried out.

3. In another report dated 25.03.2009, the Agency submitted that if the said plot was not acceptable to the complainant, he could have refused to accept the terms and conditions of the SITE Ltd and conveyed the same instead of making the payment and getting the plot transferred and mutated in favour of Century Pharma. However, SITE Ltd was still ready to hand over the possession of the originally allotted plot to the applicant.

REJOINDER OF THE COMPLAINANT

4. The complainant vide his rejoinder dated 07.05.2002 confirmed that he had received the allotment order No. SITE/PS/48/2002 dated 10.04.2002 for the plot of half an acre and had also paid the required amount to SITE on



23.04.2002. He reiterated that it was very difficult for him to abide by the parameters of FDA / WHO and the Ministry of Health for setting up a Pharmaceutical Company on a plot of half an acre and as such he emphasized the need of a plot of one acre and requested the SITE Administration to allot him a plot of one acre for setting up the proposed factory.

5. He further contended that since 2002, the SITE Ltd had not commenced development work in the industrial area where basic utilities like roads, water, electricity, gas and telephone were not available due to which the allottees could not commence construction work. He further added that his efforts to obtain physical possession of the allotted plot remained unattended whereas he had received a letter on 19.07.2007 from the Chief Engineer, SITE Ltd that plot No.K/138 was located on a hillock and the work of leveling it was in progress. Moreover, on the demand of the SITE Ltd. he had paid Rs.210,000/- as late payment surcharge @ 14% per annum on the balance cost of a plot, the physical possession of which had not been given or can not be given despite the lapse of more than 16 years, for no fault of him.

HEARING PROCEEDINGS

5. Several hearings were held in the Head Office and in the Regional Directorate during the last several years which yielded no concrete result. Therefore, the Managing Director and his team were called to finalize the long outstanding matter. Ironically, even after 16 years of allotment of a plot, the SITE Management was not in a position to hand over physical possession to the allottees as neither the hillock had been removed nor any infrastructure could be made available or even planned although the allottees had made full payment of not only the occupancy value but of the late payment surcharge as well.

7. In all fairness, it was incumbent on the SITE Administration to hand over physical possession of allotted plots to the legitimate allottees so that they could construct their respective factories and to ensure the Government Exchequer. Sheer inefficiency and lack of planning should no more lose revenue / taxes.

8. The Managing Director was pointed out that these plots were not cancelled when twice in 2002 and 2005, the SITE published Final Notices in daily Dawn, warning the allottees for cancellation of the un-utilized plots/defaulters in payment, as the SITE Administration knew well that allottees were not responsible in this behalf and as such, this action could not be taken. The Managing Director had no answer as to why the un-utilized plots were not cancelled.

9. However, the MD and SITE Engineer concerned admitted during the hearing, that it was not cost effective to remove the hillock and carry out development work.

10. The Managing Director again failed to answer how it has been assured in the above referred report dated 25.03.2009 that the "SITE was ready to hand over the possession of the originally allotted plot to the complainants when they find that the removal of the hillock as well as development of the allocated area is not cost effective.

FINDINGS

11. After protracted correspondence and hearing, the Secretary SITE Ltd Karachi vide his letter dated 16.04.2009 has conveyed that "the possession of plot No. K-138 will be given to the allottee by December 2010 after removal of the hill" which is difficult to believe as the Estate Engineer whose report, the Secretary has quoted has made it conditional, saying- "it is expected that the removal work will be completed by December 2010 - if completed before 2010 the possession will be given to the party in the first instance."

12. From the record it is evident that there is no mention any hillock in the terms and conditions offered by SITE Ltd, Karachi whereas the master plan of SITE Phase-II also does not show any hillock in the area.

13. It is apparent that the SITE Ltd. intentionally concealed the ground realities from the allottees to extort money from them and later on also received payments under threat of cancelling the plots which were never available to be handed over to them. Not only this but late payment surcharge was also levied on the balance payable cost of the non-existing plots which could not be carved out during the last 16 years nor there was any possibility of their

being carved out or development. Thereof in the near future as accepted by the MD and the SITE Engineer during the hearing as according to them, it was not cost effective.

14. It was undoubtedly bad planning on the part of SITE Ltd to have approved the LOP without applying their mind and allotted more than 100 plots ill-advisedly planned to be carved out on the hillock which needed no further proof of sheer maladministration on the part of SITE.

15. It was found during the Site Inspection that during the period, virtually no serious efforts had been made by the SITE Ltd to remove the hillock and develop the area during this long period although full cost of land, development charges as well as surcharge on late payment @ 14% had been recovered from the allottees.

CONCLUSION

16. In view of the foregoing, I have come to the conclusion that due to the glaring maladministration on the part of SITE Management, the allottees had been deprived of their plots for which they had made full payment alongwith late payment surcharge @ 14%, which, under the prevailing circumstances, should not have been claimed.

17. It was due to wrong town planning that plots were planned on hillock, which inspite of passage of 16 years, could not be removed and, therefore, the development work could not be started.

18. Cancellation Notices to the defaulters were published in the newspaper presumably for some ulterior motives as no plots of defaulters were reportedly cancelled. The SITE administration, however, failed to produce the record of defaulters as well as of those who had failed to utilize the plots within the stipulated time as per terms and conditions of allotment.

19. The SITE Administration also failed to submit any proof of the effort(s) made or planned to be made to allot alternate plots to the affectees of the hillock out of the plots of defaulting allottees which could have been cancelled after the publication of notice in the newspapers.

PERSONAL HEARING

20. The Managing Director, SITE, Mr. Manzoor Ahmed Kanasro, was called for Personal Hearing on 21.12.2009 who promised to allot an alternate plot of equal size, market value and status in a developed area.

21. It is a matter of satisfaction that the Managing Director fulfilled his promise and allotted alternate plot No. K-138 of 100x217.6 square yards at SITE, Super Highway, Phase II, Karachi, vide Relocation Letter No.946 dated 08.03.2010 and sent the Original Sketch No.F.P.17-4 duly signed by Estate Engineer, Deputy Chief Engineer, Chief Engineer and Deputy Managing Director (Engineering & Technical) dated 08.03.2010 which will be delivered to the complainant in my office.

22. In view of the above, the complainant is disposed of as redressed.

DECISION

23. 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 Managing Director, SITE to ensure that:

- i) Physical possession of the abovesaid plot strictly in conformity with the sketch must be handed over within 15 days hereof.
- ii) The Agreement to Lease must also be executed in favour of the complainant inside 15 days hereof.
- iii) The working of SITE be streamlined so as to ensure that such delays are not caused to bonafide allottees in future.
- iv) Compliance must be reported to the undersigned within the above stipulated time.

Given under my hand and seal of office.



Sd/-
(ASAD ASHRAF MALIK)
 PPM, PSP
 Ombudsman, Sindh
 Karachi, the 9th March 2010



Special Cases



DECISION

Complaint No.	POS/352/RH/08
Name and address of the complainant.	Dr. Nosheen Aqil D/o. Muhammad Aqil Usmani, House Officer, Liaquat University Hospital, R/o. Bungalow No. 121-A, Unit No.4, Latifabad, Hyderabad
Name of the Agency complained against.	1. Health Department, Government of Sindh 2. Dow University of Health Sciences, Hyderabad
Name & Designation of Investigating Officer	Mr. Masood Ishrat, Registrar
Subject :-	<u>NON-PAYMENT OF STIPEND TO THE COMPLAINANT.</u>

THE COMPLAINT

Dr. Nosheen Aqil, House Officer, Liaquat University Hospital, Hyderabad filed complaint dated 08.08.2008 stating that she had passed her MBBS examination from SMC, Karachi in the year 2007 and on her request to allow the house job at Liaquat University Hospital, Hyderabad/Jamshoro, Secretary Health Department, Government of Sindh, Karachi permitted the same vide order dated 21.09.2007 with the advice to receive her stipend from Sindh Medical College, Karachi. She alleged that the Registrar Dow University of Health Sciences, Karachi refused to pay her stipend from Sindh Medical College on the plea that she was physically working in Liaquat University Hospital, Hyderabad despite orders of the Health Department and, therefore, requested our intervention in the matter.

REPORT OF THE AGENCY

2. The Registrar, Dow University of Health Sciences, Karachi vide his letter dated 04.09.2008 reported that Dow Medical College and Sindh Medical College, Karachi are under administrative control of Dow University of Health Sciences, Karachi and the case of the complainant was placed before the Syndicate of the University in its meeting held on 02.03.2008 for consideration. The Syndicate did not approve the same and decided that the University (DUHS) would continue to pay stipend to House Officers working in the affiliated institutions only.

HEARING PROCEEDINGS

3. To thrash out the issue the matter was heard by the Ombudsman on 21st January 2009. Secretary to Government of Sindh, Health Department, Karachi and Registrar, Dow University of Health Sciences, Karachi appeared. According to the Secretary Health the orders regarding transfer of the complainant are legal as the department is empowered to allow any candidate to work in one University and get stipend from the other in hardship cases the funds are allocated by the Health Department, Government of Sindh.

4. The Registrar, Dow University of Health Sciences, Karachi agreed to pay the stipend of the entire period to the complainant.

FINDINGS

5. I have examined the case. The complainant passed her MBBS examination in 2007 from Sindh College, Karachi and she was allowed to perform house job duties at Liaquat University Hospital Hyderabad and draw the stipend from the Sindh Medical College but the administrative department i.e Dow University of Health Sciences, Karachi refused the payment. However, on intervention of this institution the Registrar, Dow University of Health Sciences, Karachi has now agreed to release the stipend of entire period to the complainant.



CONCLUSION

6. In view of the above and in exercise of powers vested in me u/s. 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, I hereby direct the Registrar, Dow University of Health Sciences, Karachi to release the stipend of the complainant without any further delay and submit compliance report within 30 days hereof.

7. The complainant stands disposed of as redressed.

Given under my hand and seal.



Sd/-

(ASAD ASHRAF MALIK)
PPM, PSP

Ombudsman, Sindh
Karachi, dated 7th February, 2009



Special Cases



DECISION

Complaint No.	POS/3965/05/M-16/G
Name and address of the complainant.	Mr. Khuda Bux Shah R/o. Lakhyari House, Ward No. 3, Islampur Mohalla, Thatta.
Name of the Agency complained against.	Information & Archives Department, Government of Sindh.
Name & Designation of Investigating Officer	Mr. Muhammad Akram Saeed, Director-G
Subject :-	DELAY IN PAYMENT OF SERVICE DUES TO THE COMPLAINANT FOR THE PERIOD HE SERVED WITH THE GOVERNMENT.

THE COMPLAINT

Mr. Khuda Bux Shah filed a complaint dated 20.06.2005 alleging inter alia non-payment of service dues/benefits by Information Department, Government of Sindh, despite repeated approaches to the authorities. He therefore, sought our intervention in the matter.

REPORT OF THE AGENCY

2. The Section Officer-II, Information & Archives Department, vide letter dated 03.07.2006 has reported that Mr. Khuda Bux Shah, Ex-Information Officer of the department after rendering service of about ten (10) years left the Department at his own accord to join new appointment as Junior Officer in Thatta Cement Company Ltd. He was relieved by the Department vide notification dated 09.09.1982. The incumbent since then remained in continues service in the Thatta Cemnet Company Ltd, and retired from there in 2001, under the golden hand shake scheme. He was actually not retired by Sindh Government Service on account of leaving the same just after ten (10) years service. His case was referred to Finance Department vide letter dated 26.06.2006 and reminded lastly dated 24.01.2008 to tender advice as to weather his request for retirement order and pensionary benefits after twenty four (24) years for the initial service of more than ten (10) years in Sindh Government can be accepted or otherwise.

3. The Section Officer (SR-III), Finance Department vide letter dated 20th May, 2008 tendered advice that the incumbent is not entitled for pensionary benefits for the period he served under provincial government as he is already availing pensionary benefits from Thatta Cement Company Ltd. Finance Department in his subsequent letter dated 17th June 2008 gave fresh advice that the incumbent is entitled for pensionary benefits for the period he served under provincial Government provided that the same was not taken into account while granting pension/golden hand shake from Thatta Cement Company Limited. Accordingly, Information and Archives department, forwarded his case to Accountant General Sindh Karachi vide letter dated 30-06-2008 for necessary action as per fresh advice tendered by the Finance Department.

COMPLAINANT'S REJOINDER

4. The complainant in his rejoinder dated 06-06-2008 constituted the report of the Agency and clarified that the clauses referred in the report are not applicable in his case as he was not absent from government service not dismissed employee of the Sindh Government. He further added that in view of notification dated 09-09-1982, terms and conditions of his service in Sindh Government were to be decided later-on, but till date the Information Department did not deem it proper to determine and decided the same. He also informed that his pension papers were prepared and sent to the office of the Accountant General Sindh on 13-03-2006 by Information Department but without order of retirement. In his subsequent correspondence date 26-01-2009 and lastly on 19-03-2009 he informed that Office of the Accountant General Sindh, Karachi has given evasive reply and delaying the matter on one or the other pretext. He therefore,

requested to direct the Accountant General Sindh Karachi to finalized his case at the earliest.

FURTHER PROCEEDINGS

5. Several hearing were held from time to time and parties were heard in detail. After protected correspondence, the section officer (SR-III), Finance Department, Government of Sindh vide letter No. FD(SR-III)3/102-2008 dated 28th October, 2008 forwarded the case to the Deputy Accountant General Sindh, Karachi stating that complainant's length of service in Sindh Government is approximately eleven (11) years which makes him eligible for pension. He has neither fallen in the category of civil servants under pension rules 2.11 West Pakistan Rules of pension 1963 nor his past service forfeited due to resignation/removal/dismissal from service or absence from duty without leave. It was further clarified that the policy under Rule 6 (b) of west Pakistan Civil Servants pension Rules 1963 and Sindh Liberalized Pension Rules 1977 speaks:-

"If such a Government Servant has completed qualifying service of 10 years or more at the time of his retirement or discharge, as the case may be, he may be granted pension not exceeding amount calculated in accordance with the scales given in the pension table". Finance department directed the Information & Achieve Department to notify his retirement on attaining the age of superannuation and submit his pension papers to Accountant general Sindh calculating the period served of Sindh Government as length of service and last pay drawn before relieving the Sindh Government.

6. On continuous persuasion, Section Officer-II, Information & Archives department vide letter dated 21-01-2009 reported that the case of the complainant was finalized vide order issued dated 14-01-2009 and allowed him pensionary benefits/dues for the period 08-10-1971 to 11-09-1982, the complainant served under Provincial Government.

7. The complainant vide his letter dated 17-03-2009 informed that in pursuance of order dated 14-01-2009 issued by Information & Archives department, Accountant General Sindh has issued PPO in his favor but payment is still withheld for want of retirement order from Information and Archives Department.

8. The Section Officer-II, Information & Archives Department vide letter dated 17-04-2009 has reported that the instant case has already been finalized vide letter dated 21-01-2009 and Finance Department's directive dated 11-02-2009 to notify retirement on attaining the age of superannuation is not applicable in his case.

FINDINGS

9. I have examined the case. The Agency admitted the claim of the complainant and issued order allowing pensionary benefits/dues for the period the incumbent served under the provincial government after laps of many years. This lukewarm response on the part of Agency is deplorable one and establishes maladministration. It is also violation of the Government rules/pension rules under which the pension case/documents should be processed six (06) months prior to the date of retirement of an official. Besides, perusal of the record produced by the Agencies concerned revealed that there is no coordination between Governments functionaries/Agencies as a result the complainant continue to suffer due to non payment of pension/service dues.

ORDER

10. In view of above and in exercise of powers vested in me U/S 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991, I hereby direct the Secretary, Information & Archives Department, Government of Sindh to submit the case to Accountant General Sindh within fifteen (15) days after completing codal formalities and also direct the Accountant General Sindh to ensure that pension/service dues are paid to the complainant within fifteen (15) days.

Compliance should be reported to me within thirty (30) days hereof.

Sd/-

(ASAD ASHRAF MALIK)
PPM, PSP
Ombudsman, Sindh
Karachi, dated 18th May, 2009





Special Cases



DECISION

Complaint No.	POS/1479/2006/B-96
Name and address of the complainant.	Syed Khush Muhammad Shah, Ex- Joint Director, Sindh Small Industries Corporation, R/o. A-1174, Gulshan-e-Hadeed, Phase-I, Bin Qasim Town, Karachi.
Name of the Agency complained against.	Sindh Small Industries Corporation (SSIC), Industries Department, Govt. of Sindh
Name & Designation of Investigating Officer	Syed Qamar Razi Naqvi Consultant
Subject :-	COMPLAINT REGARDING UNJUST DEDUCTION OF RS.52,945/- ON ACCOUNT OF INTEREST OF HOUSE PURCHASE LOAN AND RS.3,581/- (WITHOUT GIVING DETAILS) FROM THE SERVICE DUES OF THE COMPLAINANT IN VIOLATION OF GOVT. ORDERS - REQUEST FOR JUSTICE.

THE COMPLAINT

1. Mr. Syed Khush Muhammad Shah, Ex-Joint Director, Sindh Small Industries Corporation, filed a complaint dated 06.05.2006 against the abovesaid corporation stating that during his service, he had availed House Building Advance of Rs. 150,000/- as per rules. He further stated that he had surrendered claim of interest/ markup on his G.P Fund in terms of decision of the Govt. of Sindh, Finance Department Circular No.FD(SP-II)21-90/83 dated 29.09.1983 with a request that no interest/ markup may be charged on his House Building Advance as per para 3 of the said circular that the Government servant not claiming interest on G.P Fund shall not be charged interest on House Building Advance. He alleged that in contravention of the abovesaid, decisions of the government, Rs. 52,942/- towards interest on House Building Advance and Rs.3,581/- without giving any details were deducted from his Retirement Benefits and his appeal in this regard was not heeded to by the Director Finance. He, therefore, requested us to intervene in the matter for getting him the refund of the amount illegally deducted by Sindh Small Industries Corporation from his retirement benefits
2. Syeda Farzana widow of the complainant informed about the death of her husband on 29.11.2006 and requested to become complainant in place of her late husband Syed Khush Muhammad and she was allowed to be substituted as complainant.

REPORT OF THE AGENCY

3. In the report of the Agency dated 22.06.2006 it was submitted that the House Building Advance had been availed by the complainant on 22.03.1993 and as per clause 4 of the terms and condition of order No. SSIC/ADFI/1313/95/917-77 dated 22.03.1993, the recovery was to commence after the 4th issue of the pay from the date of drawal of Advance along with interest/ markup as per said Govt. Rules inforce from time to time. It further added that till December 1999, no application for waivment-of-markup was received from the complainant and the application in this regard dated 24.01.2000 was time barred in the light of Section 21(1) of SSIC's Service Rules as it was submitted after seven years of the date of House Building Advance. Moreover, the withdrawals from his fund were very frequent and as such the claim for refund of Rs.52,942/- was not justified. Regarding the amount of Rs.3,581/- shown in the statement, it was due to some error which would be rectified and action against the delinquent official would also be taken.

REJOINDER OF THE COMPLAINANT

4. The reports of the Agency dated 22.06.2006 and 26.06.2007 were sent to the complainant and after his death

to his widow Syeda Farzana advising to submit the rejoinder but no rejoinder was received presumably due to the death of the complainant and Syeda Farzana being in IDDAT but on 06.06.2008, Syeda Farzana, the substituted complainant informed that she, being a Parda Nashin Lady, could not pursue the complainant and appointed Mr. Keemat Rai N. Chanchlani to represent her and sent her rejoinder simultaneously on 02.06.2008.

5. In her rejoinder, Syeda Farzana submitted that the contention of the Agency that the complainant knew that the markup was being charged was misleading. According to the quoted rules the markup was to be recovered after the 4th issue of the pay from the date of drawal i.e. in installments but the Agency itself contravened the said-rules and failed to recover the markup in installments whereas it was recovered in lump sum from the retirement benefits.

6. In connection with the contention of the Agency that the application for waiver of markup by the complainant dated 24.01.2000 which the Agency termed as appeal, was barred by time, the complainant pointed out that the Agency again misconceived it as it was not an appeal against some order that the appeal should have been preferred within 30 days under Rule 21(1). Rather if the Agency considered the option of the complainant being time barred, it was incumbent upon Agency to have referred the option to Finance Department, Govt. of Sindh, who took the decision and were the authors of the circular of 1983. According to the complainant the approach of the Agency was totally misconceived and the action of deduction was absolutely unjustified.

7. Again the contention of the Agency is misleading that the complainant had been frequently withdrawing from his G.P. Fund, if it was so, the competent authority who sanctioned the withdrawals could have declined his requests and that the complainant did withdraw after the sanction by the competent authority. It was for the Agency to clarify as to why it sanctioned frequent advances, if any. Finally, the complainant requested to direct the Agency to desist from raising unjustified objections but to refund the unjustly deducted amounts.

HEARING PROCEEDINGS

8. After protracted correspondence, quite a few hearing proceedings were held in which the Director Finance, SSIC and Deputy Director (Admn), SSIC participated. The matter was discussed thoroughly and the Deputy Director (Admn) assured the Investigating Officer that the matter was under consideration of the Managing Director and would be resolved. Finally, The Deputy Managing Director subsequently confirmed during hearing that the MD had agreed in principle and the Management had approached the Finance Department for the required funds and the matter would be submitted in the next meeting of the Board of Directors.

CONCLUSION

9. The Director Administration vide letter dated 15.06.2009 informed that the Board of Directors of Sindh Small Industries Corporation, in its 54th Meeting held on 11.05.2009 unanimously agreed to waive the markup and pay the deducted amount to the widow of late Syed Khush Muhammad.

10. The representative of the complainant confirmed vide letter received on 9th July 2009 that the Agency had waived the markup and refund the amount deducted. He has expressed his thanks to the institution of Ombudsman for the assistance rendered for the resolution of the problem.

11. In view of the above, the complaint is disposed of as *redressed*.

Given under my hand and seal of office



Sd/-
(ASAD ASHRAF MALIK)
 PPM, PSP
 Ombudsman, Sindh
 Karachi, the 26th September, 2009



Special Cases



DECISION

Complaint No.	POS/520/2007/F
Name and address of the complainant.	Mr. Abdul Ghaffar Umrani, Assistant Engineer, H. No. D/91 Hyderabad Town Phase-I, Near Goal Masjid Qasimabad Hyderabad.
Name of the Agency complained against.	Health Department
Name & Designation of Investigating Officer	Mr. Manzoor Ali Awan, Consultant-F
Subject :-	<u>RE-IMBURSEMENT OF MEDICAL CHARGES TO THE COMPLAINANT.</u>

THE COMPLAINT

1. Mr. Abdul Ghaffar Umrani, Assistant Engineer, Provincial Costal Highway Sub-Division-I, in his complaint dated 12.11.2007 stated that he was suffering from brain tumor and Dr. Alimuddin Shaikh, Assistant Professor of Neurosurgery, Jinnah Medical College, Karachi had recommended for surgery abroad. Accordingly, he was operated in Singapore General Hospital by a team of Doctors headed by Dr. Chumpon. He claimed for reimbursement of Rs. 12,40,000/- but the same was denied due to opinion of the special board that he was operated at Singapore without any referral letter. He, therefore, sought our intervention in the matter.

REPORT OF THE AGENCY

2. The Medical Superintendent/Civil Surgeon, Services Hospital, Hyderabad in his reply dated 13.02.2008 admitted the facts and added that according to the Finance Department's letter No. FD (SR-II)-3433/03 dated 02.08.2004 and No. FD (SR-II) 22-2540-03 dated 13.11.2003, "Government servant/patient may first get himself/herself registered in a Government Hospital/services Hospital as an outdoor/indoor patient and take regular treatment before being referred to a private hospital" and in case of emergency, the type of emergency must be mentioned in Non-Availability Certificate (NAC) or a certificate from authorized medical attendant duly justified by Medical Superintendent / Civil Surgeon should be produced" but the complainant had not adopted the prescribed procedure, Besides, competent Neurosurgeons were available at Karachi and Islamabad who were conducting such operations successfully on regular basis. He further clarifies that the complainant was on ex-Pakistan leave and visited Singapore for the purpose of surgical treatment and according to Sindh Medical Attendant Rules, 1993, "Civil Servants who are sent abroad on duty by Government shall be allowed the allowance for the purpose of medical treatment during the period, they are on duty abroad" He also invited attention towards Section (II) of the said rules which provides that "No routine checkup will be permitted at Government expenses nor would Government accept liability for treatment of any disease from which a civil servant may have been suffering while in Pakistan and for which he takes the opportunity of his visit to a foreign country to receive treatment."

COMPLAINANT'S REJOINDER

3. The complainant in his rejoinder dated 05.03.2008 reiterated his earlier statement and pointed out the case of one Munir Ahmed Soomro, Assistant Executive Engineer, SCARP, Khairpur, who got operated twice at Karachi without getting himself admitted in Services Hospital was issued Non-Availability Certificate (NAC) and reimbursement was sanctioned by Finance Department. He added that he was in unconscious state of health, hence he could not first get admitted in Services Hospital at Hyderabad or Karachi.

HEARING PROCEEDINGS

4. It is an admitted fact that Mr. Abdul Ghaffar Umrani, Assistant Engineer (BS-17) working in the Works &



Services Department, Government of Sindh was diagnosed as suffering from brain tumor (Left CP Angle Acoustic Neuroma) by Dr. Junaid Ashraf, Consultant Neurosurgeon and Dr. Alimuddin Shaikh, Assistant Professor of Neurosurgery, Jinnah Medical College, Karachi. Mr. Abdul Ghaffar Umrani was granted 60 days Ex-Pakistan leave on medical ground to visit Singapore for treatment by the Government of Sindh, Works & Services Department, vide notification dated 03.08.2006. It is also established that Mr. Abdul Ghaffar Umrani, visited Singapore, got himself operated at Singapore General Hospital. Subsequently, he requested the department for re-imbusement of medical charges incurred by him on treatment. As a result, the Director General, Health Services Sindh, at Hyderabad constituted a Board comprising the Vice Chancellor, LUM&HS, Jamshoro as Chairman, concerned Member of SMB and Medical Superintendent/Civil Surgeon, Services Hospital Hyderabad as Secretary/Convenor vide letter dated 19.12.2006. The office order issued by the Director General advised the Special Medical Board to meet in the office of the Medical Superintendent/Civil Surgeon, Services Hospital, Hyderabad at 10.00 A.M. on 20.12.2006 to examine Mr. Abdul Ghaffar Umrani, Assistant Engineer (BS-17), Provincial Coastal Highway Sub-Division-I, Hyderabad and express its opinion to decide his illness and re-imbusement claim on medical ground or otherwise. The Board was as such given single TOR to examine and express its opinion with regard to the illness of the incumbent officer and forward requisite certificate to the referring authority/complainant. The Medical Superintendent/Civil Surgeon, Services Hospital Hyderabad in his letter dated 31.01.2007 addressed to the Director General, Health Services Sindh, at Hyderabad replied that Mr. Abdul Ghaffar Umrani, Assistant Engineer was examined by the Board on 20.12.2006. The Board was of the unanimous opinion that the record revealed that he (Mr. Abdul Ghaffar Umrani) was granted ex-Pakistan leave due to mass in CP angle with tinnitus headache. He was operated and managed at Singapore without any referral letter indicating dire emergency and that in case was of such nature that it could be managed at Singapore. Further such letter was essential from referring doctor, who should mention clearly the reasons for taking treatment outside the country.

FINDINGS

5. From the above, it is established that Mr. Abdul Ghaffar Umrani was operated and managed at Singapore for mass in CP angle with tinnitus headache as per opinion of the Board. As regards non-submission of referral pointed out by the Board, Mr. Abdul Ghaffar Umrani was granted ex-Pakistan leave for medical treatment at Singapore by his department. It was, therefore, the responsibility of the department to have referred him to the Government hospital for obtaining referral letter before grant of leave. The fault therefore does not lie with the complainant but on the department. Besides, Mr. Abdul Ghaffar Umrani stated that his condition so deteriorated and all of a sudden he became unconscious and he was taken to Singapore where the treatment was available. As such the request of Mr. Abdul Ghaffar Umrani for re-imbusement can not be refused under these circumstances.

6. Coming to the point of treatment abroad, it is observed that the Government of Sindh in relaxation of ban has allowed re-imbusement in the following cases:

i.	Mr. Nadir Ali Wasan, TMO, TMA, Bin Qasim Town	1,30,000/- G.B.pound Sterling
ii.	Mr. Syed Mohsin Shah Bukhari, MPA	Rs.2.5 Million
iii.	Mr. Ali Bin Hamid Zaidi, MPA	1,30,000/- G.B. poundSterling
iv.	Mr. Aamir Qureshi S/o Dr. S.M. Qureshi, Chairman CIEC Education Department	Rs.15.0 Millions
v.	Wife of Mr. Syed Ahmed, Ex-Finance Minister	Rs.157,800/-
vi.	Mr. Adil Siddiqui, Minister Sindh	50,000 G.B. Pound Sterling

7. The complainant Mr. Abdul Ghaffar Umrani has claimed of Rs. 12,40,000/-. He is a grade 17 young officer who has been running from pillar to post since last 3 years for re-imbusement of medical charges to which he is entitled under the circumstances. This has further added to his misery and worried particularly when suffering from a serious disease.

DECISION

8. I, therefore, 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 Chief Secretary Sindh and Secretary to Government of Sindh, Works & Services Department, Karachi that the medical expenses incurred by Mr. Abdul Ghaffar Umrani, Assistant Engineer, Works & Services Department, Government of Sindh should be re-imbursed to him. Copy of the decision should be sent to the Chief Secretary Sindh and Secretary to Government of Sindh, Works & Services Department, Karachi for implementation and report compliance with (30) days.

Given under my hand and seal of office.



Sd/-
(ASAD ASHRAF MALIK)
PPM, PSP
Ombudsman, Sindh
Karachi, dated 30th July, 2009

Special Cases



DECISION

Complaint No.	POS/3284/2003/F
Name and address of the complainant.	Mr. Nafees Ahmed Khan, House No. A-193, Block-11, Gulshan-e-Iqbal, Karachi.
Name of the Agency complained against.	City District Government, Karachi.
Name & Designation of Investigating Officer	Mr. Manzoor Ali Awan, Consultant-F
Subject :-	<u>ACCUMULATION OF SEWERAGE NEAR ALLADIN PARK.</u>

THE COMPLAINT

1. Mr. Nafees Ahmed Khan, Councillor, UC-10, Gulshan-e-Iqbal, Karachi in his petition dated 18-06-2003 has stated that Aladdin Amusement Park is situated in UC-10, Block-11, Gulshan-e-Iqbal, Karachi. The administration of Aladdin Park has created lake where the sewerage water is stored without any further disposal. This has become breeding place for the mosquitoes, emitting foul smell causing health hazard for the residents of the area. Besides, the administration of Aladdin Park has also encroached upon the KMC Park and included it in the Aladdin Park. The complainant has prayed for resolving the issues. The complainant has also submitted copy of petitions addressed to the Nazim, City District Government Karachi and Director General, Environmental Protection Agency, Karachi.

AGENCY'S REPORT

2. Copy of the complaint was sent to the Nazim, UC-10, Gulshan-e-Iqbal, Nazim Gulshan-e-Iqbal Town and Executive Engineer (W), Gulshan-e-Iqbal for comments. The Nazim, UC-10, Gulshan-e-Iqbal in his reply dated 08-10-2003 has stated that the land on which Aladdin Park situates belongs to City District Government Karachi. The said Park is given by the CDGK to a private party to run it on contract basis. The grievance expressed by the complainant, who is a Councillor, are very much genuine and the administration of Aladdin Park does not pay any heed towards solution of these problems. The sewerage water flows out of the boundary wall creating problems to the people of the area.

3. The Executive Engineer (W/D), Gulshan-e-Iqbal Town in his report dated 05-02-2004 has stated that the site has been checked and found that sewerage of Aladdin Park is being accumulated in an open pit near A-193, Block-11, Gulshan-e-Iqbal and further used for gardening purpose.

4. The Executive Engineer (Sew), Gulshan-e-Iqbal Town, KW&SB in his report dated 29-04-2004 has stated that the administration of Aladdin Park has constructed an artificial lake for accumulation of their used water for recycling purpose within the boundary wall of the Park. This lake is open and the residents of Block-11 including the complainant are facing difficulties due to environmental pollution on account of this artificial lake.

PROCEEDINGS

5. Copy of the complaint was sent to the management of Aladdin Park for their comments. The General Manager of the park in his reply dated 19-07-2004 has stated that no lake has been made. However, there is natural depression on the site, which has not been specially made for this purpose. For sewerage disposal, a proper sewerage treatment spray of pesticide to stop breeding of mosquitoes is done on regular basis. As regards the land in possession, it has been leased out to the management of Aladdin Park by defunct KMC. At the time of handing over the land, the parplant has been established where water is properly treated for watering the plants. Besides, it was already enclosed hence there is no question of any encroachment of KMC Park itself. They have been paying the rent of complete area under their possession.



AGENCY'S REPORT

6. Mr. Abdul Mateen Khan, former Advisor Ombudsman Secretariat had also visited the site on 10-12-2004. According to his inspection report, the park is spread over an area of 52 acres leased out by CDGK and has in its fold swimming pools for children and adults, amusement section of swindles etc. Shopping centre, etc. There is a wall on eastern side demarcating the boundaries of residential areas in the vicinity. The complainant pointed out a triangular portion with mangroves to be the place of discord. There was no standing water on this point but there were water tanks which were dry. He also pointed out the broken portion of boundary wall behind which this triangle was situated. It obviously looked to be annexed to joy land by breaking open the wall. There were signs of breaking of the wall.

7. On 09-04-2008, Mr. Nazir Ahmed Qidwai, Consultant, Ombudsman Secretariat also visited the site and observed that the administration of Aladdin Park is accumulating the waste water of lake/pools etc in an open ditch and using the same filthy water for watering of lawns and plants. This place has become breeding farm for mosquitos and causing harmful diseases to the residents of the area as well as to the visitors of the park. They have also encroached a triangular park ST-11 which is a public property. It was also found that public toilets were in worst condition without proper disposal causing environmental pollution in the surrounding vicinity. After his visit, the District Officer, Aladdin Amusement park, CDGK was advised to issue necessary directives to the administration of Aladdin Park for immediate removal of encroachment from Triangular Park ST-11, construction of covered tank for storage of water within their premises and reuse the same after necessary treatment. Cleanliness to toilets on regular and daily basis was essentially required. The public toilets should be connected with the main sewerage system to ensure smooth flow of sewerage/waste water. Thereupon, the DDO, Aladdin Park, CDGK gave 90 days time to the management of the Park to ensure compliance of the observation. On 27-03-2009, the General Manager submitted report stating that the RRC sewerage tanks have been covered with mosquito nets and water pump machines installed to drain out the sewerage water from park area into the main sewerage line.

8. Copy of the report was sent to the complainant for his comments. Mr. Nafees Ahmed Khan, complainant, in his letter dated 09-07-2009 has stated that the work has been done by Aladdin Park authorities just to fulfill formality. The work has been done below standard. Dirty water is still leaking towards the residential area. The bad smell continues emitting from the latrine constructed along the boundary wall. The sewerage tank was not completely shifted and the dirty water is still found along the boundary wall. The triangular park is still occupied by the park authority illegally.

FINDINGS

9. From the above, it is clear that the management of Aladdin Park has not made foolproof arrangements for cleanliness in the surrounding. The sewerage water tanks are open, covered with the nets only. The area is thus affected with foul smell which is cause of unhealthy atmosphere/environment for the residents. The public toilets are also not according to the modern specification and constructed just to fill in the gaps. It is also established that the triangular park has been encroached upon by the management of Aladdin Park, which is clear from the observations of former Advisor and the sketch placed on record. The administration of the park claims that an area of 52 acres has been leased out to them. Actually, the area on ground is short hence the triangular park situated on half acre of land has been included to meet the deficit. The deficit area as claimed by the management of the park cannot be made out by allowing encroachment on the public park. As per standing rules and regulations an amenity area cannot be given for any commercial purpose.

DECISION

10. In view of the above, 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 Nazim City District Government Karachi to ensure that the sewerage tanks are removed from the proximity of residential area to some other non-residential area by the administration of Aladin Park and that the toilets are constructed according to specification and disposal connected with main sewerage line within a period of (45) days. The Nazim, CDGK is further directed to retrieve the possession of triangular park, which is given in clear contravention of Government Orders and hand over its possession to the Town Administration, Gulshan-e-Iqbal Town for development, maintenance and public use. Compliance should be reported within (30) days.

Give under my hand & seal.



Sd/-

(ASAD ASHRAF MALIK)
PPM, PSP
Ombudsman, Sindh
Karachi, dated 3rd September, 2009

Special Cases



DECISION

Complaint No.	POS/3251/08/DG-I
Name and address of the complainant.	Mr. Manzoor Ali Khan House No.10, Aamra Villas Civil Lines, Dr. Ziauddin Ahmed Road, Karachi.
Name of the Agency complained against.	Karachi Water & Sewerage Board. Mr. Masood Ishrat, Registrar.
Name & Designation of Investigating Officer	
Subject :-	<u>NON-SUPPLY OF POTABLE WATER FOR THE LAST NINE MONTHS. INACTION BY THE AUTHORITIES ALSO ALLEGED.</u>

THE COMPLAINT

Mr. Manzoor Ali Khan, R/o. House No. 10, Aamra Villas Civil Lines, Dr.Ziauddin Ahmed Road, Karachi filed complaint dated 12.12.2008 stating that for the last one year he and other residents of Aamra Villas were not getting water from water supply line despite approaches to the highest level of the Agency. He, therefore, sought intervention of this Secretariat.

2. During the process of investigation, other residents of Aamra Villas also joined the proceedings seeking similar relief.

REPORT OF THE AGENCY

3. The Executive Engineer, Clifton Saddar Town (W) KW&SB vide letter dated 02.01.2009 reported that the houses of the complainants are at the tail of 15" dia main supply line connected with 33" dia pipe line running at Club road near PIDC and since there has been no valve of operation on the said 15" dia main distribution line fluctuation in 33" dia bulk line causing water shortage at extreme tail. He alleged that the complainants have taken 14 individual water connections without formal sanction as normally a single water connection was being provided to such projects which connected with their common under ground tank wherefrom each inside unit provided water through their own system. He further added that the proposal regarding replacement of old 6" dia water line is under process and efforts are underway to supply the water as per requirement on humanitarian grounds.

COMPLAINANT'S REJOINDER

4. The complainant in his rejoinder dated 26.01.2009 contested the report of the Agency stating that the allegation of the Agency regarding illegal connection is totally baseless and incorrect as these houses (14 in number) were constructed about 20 years back and all the residents receive their individual bills which are being paid regularly. He added that if the connections were illegal why the same were not disconnected during the last twenty years and how the separate bills are being issued to the individuals. He requested to ask the Agency to intimate how long it would take to replace the old water line.

HEARING PROCEEDINGS

5. To thrash out the issue, both the parties were heard on various dates. The representatives of the Agency pointed out that new line could be laid after NOC for road cutting from the District Coordination Officer,



Karachi is issued. The complainants were of the view that after filing complaint in this office water was supplied for few days which proved that old line is intact and the continuous supply is possible through this line. They further added that all the bills are paid and they are entitled for supply of water either through pipeline or through water tankers. They requested to issue directives to the authorities that the amount charged towards water tax for the period the water has not been supplied may either be refunded or adjusted in the future billing.

FINDINGS

6. I have examined the case. The complainants are residents of Aamra Villas, Civil Line for the last more than 20 years and getting regular water supply which was discontinued since the year 2008. The Agency was of the view that the complainants villas are situated in the extreme tail of 15" Dia supply line connected with 33" Dia pipe line and due to fluctuation in the bulk line shortage is being faced at tail which would be improved by replacing the old line. However, the Agency failed to point out specific date for replacement of old line. The Agency also failed to submit any satisfactory response to a query that if the connections are illegal, as reported that vide letter dated 02.01.2009, why the same were not disconnected and under what circumstances the individual were issued separate bills.

5. It is established that the Agency has been receiving the payments towards the water charges without supply of the same, which is its prime responsibility. It is an established law that any amount / tax is to be charged against some facilities and if the facility is not provided the charges would be unjustified. The issue of payment of taxes to Karachi Municipal Corporation towards water charges came up before the Honourable Supreme Court of Pakistan (M/s. Karimi & Company V/s. KMC), reported in 1974 SCMR-440 in which it was observed:-

"If the corporation neglects or fails to perform any of its statutory duties it would not relieve tax payer from paying taxes. However, legal action could not be taken to enforce performance of duties by it" par However, in dealing with general taxes and special taxes the Supreme Court held: "The well established concept underlying the functioning of local government institutions is that such general taxes are for the collective good of the municipal community as a whole, and are not to be regarded as being in the nature of payment for particular utilities of service provided by the municipal administration. There are, however, exception to this rule such as are to be found in section 99 and 100 of the City of Karachi Municipal Act, 1933 (hereinafter referred to as the Act) which contemplated that conservancy and water taxes are to be leveled only if certain services and supplies are provided to the buildings and localities concerned. It appears, therefore, that the Legislature has itself taken care to specify those charges and taxes, the payment of which would depend on the performance of certain duties and services. This condition can not be extended to other taxes not so specified" par Following the decision of the Supreme Court of Pakistan, the High Court of Sindh in Mst. Tahsin Shafqat v/s. Karachi Municipal Corporation 1981 CLC 1663, had also held as under: "Property tax is payable on all the immoveable properties located within the city of Karachi. It can not be said that because in a particular locality the houses have no direct water communication pipes the owner of such houses are relieved of the obligation to pay the property tax. The only exception in the case of payment of taxes is as regard conservancy tax and water tax. Such taxes undoubtedly have to be imposed only when amenities contemplated by Section 99 and 100 of the Karachi Municipal Corporation Act, are provided. On the other hand section 97 of the said act clearly states that property taxes shall be payable by every person owing property." par Now the question is whether "the well-established concept" as per the decision of the Supreme Court of Pakistan in M/s. Karimi's case still holds ground despite repeal of Karachi Municipal Act, 1933 with its Section 99 and 100. The provisions relating to water charges are now found in Karachi Water & Sewerage Board Act 1996 which empowers the Board to levy, collect or recover rates, charges or fees for water supply and sewerage service, including arrears thereof. The Board accordingly by

a notification dated 27th June, 1998 had fixed water charges payable by different categories of properties.

ORDER

8. In view of the above and 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, I hereby direct the Managing Director, Karachi Water & Sewerage Board, to ensure regular supply of water to the residents of Aamra Villas. If proper supply is not possible with existing lines which need replacement then the residents must be provided water through water tankers, minimum twice a week.

9. He is also directed to either refund or adjust the amount charged on account of supply of water for the period the water is not supplied to the complainants.

10. The compliance should be reported to me within 90 days here of.

Given under my hand and seal.

Sd/-



(ASAD ASHRAF MALIK)

PPM, PSP

Ombudsman, Sindh

Karachi, dated 24th October, 2009



Special Cases



DECISION

Complaint No.	POS / 533/2007/M-65
Name and address of the complainant.	Mst. Rasheeda Begum Wd/o. Allah Bux, C/o. Khan Manzil, Chakipara, Shahdadpur, District Sanghar.
Name of the Agency complained against.	Accountant General Sindh, Karachi.
Name & Designation of Investigating Officer	Mr. Masood Ishrat, Registrar
Subject :-	DELAY IN TRANSFER OF FAMILY PENSION IN NAME OF WIDOW DAUGHTER OF DECEASED GOVERNMENT SERVANT.

THE COMPLAINT

1. Mst. Rasheeda Begum, Wd/o, Allah Bux, filed a complaint dated 10.02.2007 stating that her mother was drawing family pension after death of her husband (father of complainant) and died on 15.01.2004. She being widow daughter approached the Agency for grant / transfer of family pension in her favour but failed to receive any response. She, therefore, sought our intervention in the matter.

REPORT OF THE AGENCY

2. The Deputy Accountant General, Pension, Office of the Accountant General Sindh, Karachi, vide letter dated 04.06.2007 reported that the father of the complainant (Muhammad Mithal) was retired from service on 15.06.1985 and drew pension up to 26.01.1998 (the date of his death). Thereafter, the pension was transferred in the name of his widow (mother of the complainant) who drew the family pension up to her death on 15.01.2004. He further reported that in the light of orders of the Finance Department, Government of Sindh, the complainant is not entitled for pension.

COMPLAINANT'S REJOINDER

3. In her rejoinder dated 11.06.2007, the complainant stated that she is an uneducated hand and does not know the rules/regulations and, therefore, requested to decide her case on merit.

HEARING PROCEEDINGS

4. To thrash out the issue, series of hearings were held. The Office of Accountant General, Sindh was represented by Mr. Muhammad Qaisar, Senior Auditor, who submitted photocopy of letter dated 15.03.2000, issued by the Finance Department and invited attention towards its para 5, reproduced hereunder: -

"Apart from above the family pension has also been made payable to the father or mother for life w.e.f. 1st January, 1996 onwards. But there are no orders of the Government extending the benefit of life time pension to the widowed daughters, divorced daughters and widowed sisters. They are entitled for family pension only for a period of 10 years commencing from the date of death or for un-expired portion of 10 years of the retirement of Government servant".

5. The matter was also referred to Finance Department, Government of Sindh for clarification. After vigorous persuasion, the Finance Department vide letter dated 05.11.2008 clarified that the case of widow daughter for pension beyond the period of ten (10) years is not permissible in view of the standing instructions of Government.

FINDINGS

6. I have examined the case. The complainant is widowed daughter of a government employee who retired from government service and drew pension for thirteen (13) years and after his death his widow drew pension for six (6) years. According to the Finance Department's letter dated 15.03.2000, the family pension in the case of death of the widow is payable to the sons till attaining the age of 24 years or gainfully employed, whichever is earlier and to un-married daughters till their marriages or acquiring regular source of income, whichever is earlier. Apart from above, the family pension is also payable to the father or mother for life with effect from January, 1996 onwards, but there are no orders for extending the period of pension for life time to the widowed/divorced daughters and sisters. They are only entitled for family pension for a period of ten (10) years commencing from the date of death or for un-expired portion of 10 years of the retirement of government servant.

7. In the instant case the main pensioner drew pension for 13 years and his wife also drew family pension for 6 years against their entitlement of lifetime pension. Since the deceased mother of the complainant had drawn pension for six (06) years, I am convinced that the complainant is entitled for the pension of un-expired period of 10 years i.e. 4 years after expiry of her mother.

DECISION

8. In view of the above and 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, I hereby direct the Secretary to Government of Sindh, Finance Department, Karachi and Accountant General Sindh, Karachi to grant pension of the un-expired portion of ten (10) years after the death of the complainant's mother.

9. Compliance should be reported to me within forty five (45) days hereof.

Sd/-



(ASAD ASHRAF MALIK)
PPM, PSP

Ombudsman, Sindh
Karachi, dated 21st April, 2009



Letters of Thanks



Embassy of the United States of America

July 13, 2009

The Ombudsman Sindh
Ombudsman Sindh Secretariat,
Sharah-e-Iraq, Saddar, Karachi



Honorable Sir,

I am totally astonished to see for myself the astounding performance of the institution of the Ombudsman Sindh. My case of GP fund was pending with the AG Sindh since my resignation from the police department in early 2006. My case was decided within a month without paying anything after the honorable office of the Ombudsman Sindh intervened. It was simply unbelievable.

I wish if other Government institutions also work that way and provide relief to the suffering masses, running from pillar to post in government departments for solution of their genuine problems.

Thank you very much Sir,

Amjad Rafi Channa

Security Advisor

Embassy of the United States of America

Diplomatic Enclave, Ramna 5, Islamabad

Letters of Thanks



INTERNATIONAL CONFERENCE OF WRITERS & INTELLECTUALS
NOV. 30 - DEC. 2, 1996 ISLAMABAD PAKISTAN



PAKISTAN
ACADEMY
OF LETTERS
ISLAMABAD

H 8/1 ISLAMABAD
Tel: (92-51)250578, 254638, 264441
Telegraphic Address: ACADEMY*
PAKISTAN

To

The ombudsman,
Sindh Province, opp. Sindh
Secretariat,
Karachi.

Sir,
With immense pleasure and
equal indebtedness, I hereby inform your
kindself that my G.P.F. balance Pat-Sindh
and Service Statement regarding that period
have been received from concerned quarters.
The pains you took the endeavours you made
cannot be matched in words. This is just
a usual intimation for the closure of the case.
The favour that your office rendered was
simply unconditional.

Thanks again

House 1130, St-41, G-10 /iv, Islamabad

Rozzi Chohan
(Ex. Lect./Prof.)
15/04/2009



Letters of Thanks

First Largest Magazine (English & Urdu) for Special Children of South Asia
Special CHILDREN
 MONTHLY MAGAZINE

Ref: SC-786/1206/09

Date: 23.06.09

صوبائی محنت اعلیٰ سبڈ
کراچی



حوالہ :- PAS/1172/09/G
مضمون :- شکریہ کا خط

مصور والد

انتہائی سو دبانہ درخواست ہے کہ میری مذکورہ
 حوالہ شکایت دور بخوشی ہے جس لینے
 میں انتہائی شکر گزار ہوں اور صوبائی محنت
 اعلیٰ کے تمام جملہ و متعلقہ حضرات کا بھی شکریہ
 ادا کرتا ہوں کہ میری شکایت پر جلد ضروری
 کارروائی فرمائی اور مجھے الصاف مل گیا
 آج اس تعاون لینے دعا گو رہے گا

شکریہ
 درود
 سیدتی اہمر لونی ساہی پوری

ذ.ن. ۰۶.۱۲.۰۸

۲۹/۸۴

جامع مسجد اللہ والی

مرکز جماعت اہلسنت (حنفیہ) قائم شدہ ۱۹۳۷ء

مدینہ روڈ، لائٹ زون ایریا کراچی، ۷۴۰۰۰
 جناب اسد اشرف ملک، خدمات جناب صوبائی محتسب سندھ، کراچی
 حوالہ نمبر: تاریخ: ۵th Dec. 2009

عنوان: کیس نمبر-PDS/1762/2009

جناب عالی،
 ہمارا کیس نمبر PDS/1762/2009 چونکہ آپ کے دفتر میں ایڈمٹ ہوا تھا جو کہ KDA کے خلاف تھا ہماری جامع مسجد اللہ والی کا سائٹڈ پلان کا سلسلے میں جناب آپ کے دفتر کے D.G-I صاحب جناب واحد بخش مہر صاحب اور ان کے اسٹاف کی ذاتی دلچسپی سے ہماری جامع اللہ والی کا نیا سائٹڈ پلان K.D.A والوں نے ہمیں دے دیا ہے جس کے لیے ہم آپ کے مشکور ہیں اور اللہ تعالیٰ سے دعا کرتے ہیں کہ وہ آپ کو اس مفیم کام کا اجر عطا فرمائے اور آپ کے درجات بلند فرمائے (آمین) اور اس سلسلے میں آپ کے دفتر میں کراچی کے جامع مسجد کی سنگ بنیاد رکھیں گے (اللہ آپ کے دستوں سے کراچی کے جامع مسجد کی سنگ بنیاد رکھے)

DAIED: 5th Dec 2009

(محفوظ قادری)
 فنانس سیکرٹری جامع مسجد اللہ والی - جلیب لائن، کراچی

Cell-# 0300-2468521.



Letters of Thanks

WEEKLY AWAMI TARJUMAN NEWSPAPER LARKANA

Abdul Hafeez Soomro
Chief Editor
Weekly Awami Tarjuman
Larkana

Ref. No: _____
Dated: 21-01-2009

بخدمت جناب ريجنل ڊائريڪٽر صوبائي محتسبِ اعليٰ لاڙڪاڻو

جناب اعليٰ!

آءٌ عرضدار عبدالحفيف ولد احمد بخش ذات سومرو چيف ايڊيٽر عوامي ترجمان وينل محلہ اللہ آباد ائيرپورٽ روڊ لاڙڪاڻو جو عرض ٿو ڪريان ته سائين جن کي عرض ٿو ڪريان ته مون انجنيئر پبلڪ هيلٿ ٽنڊو محمد خان خلاف سائين جن جي ڪورٽ ۾ درخواست داخل ڪئي هئي، جنهن جي RL No. 348/2008 آهي ته انجنيئر ٽنڊو محمد خان مون کان اسلامي مشگزين سٽو پرائيوٽ طور خريد ڪيا آهن جنهن جي رسيد مون وٽ موجود آهي، جنهن جي ٽوٽل قيمت سٽو مشگزين جي ڏهه هزار ٿئي ٿي.



جناب اعليٰ!

گذارش عرض آهي ته اڄ تاريخ 21-01-2009 تي انجنيئر ٽنڊو محمد خان مون کي اسلامي مشگزين جي ٽوٽل قيمت ڏهه هزار روپيه ڏئي ڇڏيا آهن ۽ منهنجو مسئلو حل ٿي ويو آهي، ان لاءِ مان سائين جن کي گذارش عرض ٿو ڪريان ته منهنجو ڪيس ختم ڪيو وڃي، ان لاءِ سائين جن جو ۽ محتسبِ اعليٰ سنڌ جو نهايت شڪرگذار رهندس.

عرضدار
عبدالحفيف سومرو
چيف ايڊيٽر

هفتيوار عوامي ترجمان لاڙڪاڻو
محلہ اللہ آباد، ائيرپورٽ روڊ لاڙڪاڻو
موبائل نمبر: 0307-2001118

Letters of Thanks



ABUZER GHAFFARI CO-OPERATIVE HOUSING SOCIETY LTD.

Ref. No. AZG/KW&SB/MA/2009

December 17, 2009
Date: _____

*The Ombudsman of Sindh,
Karachi.*

Sub: Reference POS/2385/09/DG.1, dated 25-11-2009

Dear Sir,

We write to express our thanks and gratitude for your kind intervention and decision on our appeal against extravagant billing of K.W&S.B under our letter No. AZG/Admn//POMB/52-A/KW&SB/09, dated the 18th August 2009.

Our eternal blessings upon you,

Yours faithfully,


(Yawar Melodi)
Hon. Secretary

Suit No. 20, Mezzanine Floor, Decent Garden, University Road, Gulistan-e-Jauhar, Block-7, Karachi
Phone : 021-5455286, 021-7630576



Letters of Thanks

18-C, 1st Floor, 21st East Street,
Sect. D, K.A. Karachi-75500, Pakistan.
Voice # (92-21) 539 6808-10,
Fax # (92-21) 539 6812, 589 2521

**Century
Pharmaceuticals
(Pvt) Limited**



March 12, 2010

Ref. No. CPL/ADM - 2780

Col. (R) Ghulam Mohiuddin
Director, Regional Office Karachi East
Provincial Ombudsman (Mohtasib) Sindh
1st Floor, EOBI House, Shakra-e-Faisal
Karachi.



Subject: LETTER OF GRATITUDE
Reference: POS/748/2002-E (K/138, SITE Super Highway, Phase-II)

Respected Sir:

It is our honor to express our feelings of gratitude and thank for deciding our long pending above-referred complaint on merit. It was indeed a joyful occasion for us when the Honorable Ombudsman handed us the decision and the site plan of the relocated industrial plot which we were struggling to get for the past more than sixteen years. It was only possible due to your close follow up and untiring efforts.

We wish long and healthy life to you and family members and pray to God to help and guide you in providing justice and help to all the needy.

I and all my family members are thankful to you and the Almighty Allah.

Yours sincerely,


S. Yahya Aftab Jaffri
Managing Director

Letters of Thanks



Mehran Electronics Company

Plot No. 16, Sector 6-A,
North Karachi.
E-mail: mehran@nsa.cyber.net.pk

Fans
Mehran

6907018
6907784
6993209

Ref: MEC/DI/05-06

Date: 04/05/2009

The Honourable Ombudsman of Sindh,
Ombudsman Secretariat,
KARACHI.

Subject: CASE#POS/355/08/B-351: RELEASE OF PAYMENT OF Rs.267748/- ON ACCOUNT OF SUPPLY OF 271 FANS TO EXECUTIVE ENGINEER PROVINCIAL BUILDINGS DIVISION HYDERABAD:

Sir,

It is my honour to thank you for the justice your good offices has provided in the subject cause which enabled to receive payment from the Sindh Government on supply of Electric Fans to the XEN Provincial Buildings Division Hyderabad after a lapse of three year (2005-06). Copy of the Cheque No.0732521 dated 28-04-2009 attached for reference.

I personally feel great respect and honour for Mr. Syed Qamar Razi Naqvi, (Consultant-B), whose untiring efforts and diligence for the right cause has ultimately bore fruits in settlement of the complaints. Officers like him are assets for Departments. May Almighty Allah give him the best rewards.

I once again thank you and wish for a judicious and flourishing PAKISTAN.

Very sincerely yours,
for MEHRAN ELECTRONICS COMPANY.


(M.ABDUL RAZZAQ SURI)



Letters of Thanks

LETTER OF THANKS

To

The Honourable Provincial Ombudsman's (Mohtasib),
Karachi.

SUBJECT: CASE NO. POS-3542/2007/B-388.

Respected Sir,

I Muhammad Naveed S/o Faheemuddin Qureshi, Resident of Hardas Pura, Shahdadpur, District Sanghar submit the following few lines for your honour with a request that my this letter of thanks may kindly be kept on your office record.

1. That I filed above complaint regarding reinstatement into service as Primary School Teacher as I was victimized affecttee for the year 1998.
2. That in this regard I will appreciate to the Honourable Provincial Ombudsman's (Mohtasib) Karachi who has been proceeded my case proceedings to the entire satisfaction of complainant as well as the other side i.e., Executive District Officer (Education) Sanghar.

In view of the above facts it is prayed to kindly accept this letter of thanks solving the matter on merits of the case by your good office.

I pray to the God to continue this institution to solve the problems / grievances of the public of Province of Sindh.

Thanks.

Yours Obediently

Naveed

(MUHAMMAD NAVEED)
S/o Faheemuddin Qureshi
II.#: 466/33, Latif Colony,
Near Water Tank,
Hardas Pura, District Shahdadpur.

Letters of Thanks



Alia Exports (Pvt.) Limited

Manufacturer & Exporter of Home & Kitchen Linen

Plot # 18, Sector 12-U, North Karachi Industrial Area, Karachi-75950 Pakistan
Tel: (92-21) 600 2679, 697 7844. Fax: (92-21) 699 8869. E-mail: aliaexports@cyber.net.pk, nisar@aliaexports.com



The Regional Director,
Provincial Ombudsman
Sindh,
Karachi Central.

Dated 22nd December, 2008.

SUBJECT: OUR COMPLAINT FOR ABNORAML DELAY IN ISSUANCE OF
PERMISSION TO MORTGAGE:

Your Ref. POS/2043/2008/KC-3287.

Dear Sir,

We are pleased to submit that the Deputy District Officer, Land Management, City District Government has solved our matter and issued Permission to Mortgage Letter (copy enclosed). Since our problem has now been solved we request you to close our complaint file.

Thanks & best regards,

Yours truly,
For ALIA EXPORTS (PVT) LTD


(NISAR AHMAD)
CHIEF EXECUTIVE

C.c: to Deputy District Officer-II (Industries), Land Management CDGK for information please.



Letters of Thanks



28th January, 2009

The Director,
Provincial Ombudsman (Mohtasib) Sindh
Regional Office Karachi, East.

Subject: Final Payment Through Cheque by A.G Sindh, Karachi.

Dear Sir,

It is to inform you that in compliance to the Decision of Ombudsman Sindh dated: 16-10-08 against the complaint No. POS/3694/07-E and the Government of Sindh Finance Department letter No. FD/(SR-III)II/12-2008 dated 04th December 08, the A.G. Office has made the final payment amounting Rs. 394,975/- through Cheque No. 0332123 dated 19-01-09.

I am thankful to the Ombudsman Sindh and his Director for providing justice in the case.

With best regards.

Sincerely yours,

Dr. Abdul Samad Khan
Retired Professor, NED University
B-82, Block-10, Gulshan-e-Iqbal
Karachi-75300.

Daily Times
KARACHI

Monday, April 20, 2009

Ombudsman orders KBCA to demolish illegal constructions

KARACHI: Sindh Ombudsman Asad Ashraf Malik has ordered the chief controller of the Karachi Building Control Authority (KBCA) to take suitable legal action and demolish buildings in North Nazimabad that are in violation of certain by-laws.

He issued the order on complaints by Rasheed Ahmed and others about the violation of approved building plans and

construction of a third floor. The provincial ombudsman ordered an inquiry by his adviser Nazir Ahmed Qidwai. An explanation called from KBCA revealed that such violations had been committed in other buildings as well.

The Sindh muhtasib ordered the chief controller for the implementation of his six-point decision, which included demolition of illegal construc-

tions and action against those involved in criminal negligence. He ordered that utility services provided to illegally constructed flats be disconnected and action be taken for the cancellation or issuance of lease in such cases. He ordered that an implementation report be presented to him within 45 days and, in future, enforcement of approved building plan should be ensured. **APP**

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Tuesday, December 22, 2009, Moharram-ul-Haram 4, 1431 A.H.

DAILY NEWS



Officials of Madadgar Helpline giving a presentation to Provincial Ombudsman Sindh Asad Ashraf Malik. Chairman of Helpline Zia Awan advocate also present alongwith Mr. Zakir Director General, Ombudsman Secretariat. Story on back page

Press Clippings

DAILY NAWA-I-WAQT KARACHI

روزنامہ نواز وقت

کراچی

کراچی لاہور راولپنڈی اسلام آباد اور ملتان سے بریک وقت شائع ہوتا ہے

پتلا: 321، پتلا: 1430، 1430، 10 نومبر 2009، 25 کاکہ 2066 پ

صفحات: 16

شمارہ: 35

31 نومبر 26-35843720-26، فیکس نمبر 35854325، قیمت 9 روپے

سوبالی تہسب کے کالٹ پر ساچھ گڈھ میں سیدوٹ ان پچھانے کا کام شروع

کراچی (پبلک سروس) (سوبالی تہسب) کے کالٹ پر ساچھ گڈھ میں سیدوٹ ان پچھانے کا کام شروع کر دیا گیا۔ ملتان سے سیدوٹ ان پچھانے کا کام شروع کر دیا گیا۔ ملتان سے سیدوٹ ان پچھانے کا کام شروع کر دیا گیا۔

DAILY NAWA-I-WAQT KARACHI

روزنامہ نواز وقت

کراچی

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پتلا: 321، پتلا: 1430، 1430، 10 نومبر 2009، 25 کاکہ 2066 پ

صفحات: 16

شمارہ: 24

31 نومبر 26-35843720-26، فیکس نمبر 35854325، قیمت 9 روپے

بیلنگ کا پیر کے پائلٹ کی تقرری میرٹ پر کھینچنے صوبائی محتسب

پرواز کا پیر کے پائلٹ کی تقرری میرٹ پر کھینچنے صوبائی محتسب نے ایک نوٹس جاری کیا ہے۔

DAILY NAWA-I-WAQT KARACHI

روزنامہ نواز وقت

کراچی

کراچی لاہور راولپنڈی اسلام آباد اور ملتان سے بریک وقت شائع ہوتا ہے

روزنامہ نواز وقت کراچی (2) 3 دسمبر 2009ء

اسکول کی بندش خواتین کے بارے میں فوری آگاہ کیا جائے صوبائی محتسب

مختسب کو شہر کے مختلف نڈوئریں 51 مندوش اسکولوں کی رپورٹ پیش کر دی گئی۔

DAILY NEWS

DAILY NEWS Thursday, December 31, 2009

PAGE 8

Gang rape: FIR registered on the orders of Ombudsman Sindh

KARACHI, Dec 31 (PR): Provincial Ombudsman Sindh, Asad Ashraf Malik had taken Suo Moto in a gruesome matter whereby school teachers had gang raped a student of dist. Khairpur. He had issued directive to DCU Khairpur and Secretary Education for immediate enquiry and proper legal action against the teachers.

management also warned the poor victim that they would expel her from school in case any legal action was initiated against the accused teachers.

The Provincial Ombudsman, Sindh, ordered the DCU, Secretary Education and EDO (Education), Khairpur to immediately suspend the accused teachers and investigate into the matter.

The DPO, Khairpur was ordered to ensure that the FIR was immediately registered.

The EDO (Education) and DPO Khairpur have confirmed through a report that desired action had been taken in the matter.

They have, however, been directed to submit to the Ombudsman, Sindh the progress report within 15 days' time.

محاسب سنڌ جو ادارو ۽ شڪايت پيش ڪرڻ جو طريقو

سنڌ سرڪار جي ڪنهن به اداري يا ڪارپوريشن سان جيڪڏهن توهان کي ڪا شڪايت آهي ته ادارو محاسب سنڌ کان مدد وٺو. اوهان جي ذهن ۾ محاسب سنڌ جي اداري متعلق پيدا ٿيندڙ سوالن جا جواب اسان هيٺ ڏئي رهيا آهيون ته جيئن توهان کي طريقو ڪارتي عمل ڪرڻ ۾ آساني ٿئي.

سوال: شڪايت ڪندڙ محاسب جي آفيس مان ڪهڙي اميد رکي سگهجي ٿي؟

جواب: انصاف ڏانهن سستي پهچ، صحيح ٻڌڻي، لاپائتي مداخلت، جلد انصاف ۽ محاسب جي فيصلن تي ترت عمل.

سوال: حڪومت جي انتظامي شاخن کي هن آفيس مان ڪهڙي هٺ حاصل ٿي سگهي ٿي؟

جواب: قانون جي برتري، تڪڙو ۽ سستو انصاف، حڪومت جي جائز حقن جو تحفظ وغيره.

سوال: ڪهڙين شڪايتن تي ڌيان نه ڏنو ويندو؟

جواب: (1) داخل ٿيل اهي شڪايتون جن تي اڳ ئي عمل ڪيو ويو هجي.
(2) اهي شڪايتون جن تي ڪورٽ فيصلو ٻڌائي چڪي هجي يا ان وقت اڪلاءِ هيٺ هجن.
(3) اهي شڪايتون جيڪي ٻين محاسبن جي دائري ۾ اينديون هجن.
(4) بيڪار ٿيل شڪايتون.

سوال: بيڪار ٿيل شڪايتن مان ڇا مراد آهي؟

جواب: الزاميل بدانتظامين کان ٿي مهينا پوءِ داخل ڪيل شڪايتون بيڪار سڏجن ٿيون.
ڇا بيڪار ٿيل درخواستن کي ٻڌڻ جي گنجائش آهي؟

سوال: ها، اهو محاسب جي اختيار ۾ آهي ته هو ڪجهه مخصوص حالتن تحت اهڙيون درخواستون ٻڌڻ جوڳيون قرار ڏي.

سوال: جاج ۽ تدارڪ ۾ ڪيترو وقت لڳي سگهي ٿو؟

جواب: گهڻو ڪري ٻن يا ٽن مهينن ۾ شڪايت حل ٿي ويندي آهي پر ڪڏهن ڪڏهن ڪيس جي نوعيت تي به دارومدار آهي.

سوال: ڇا محاسب جي فيصلي تي عمل صوبائي انتظاميا لاءِ لازمي آهي؟

جواب: ها، اهو لازمي آهي.
سوال: جيڪڏهن محاسب جي فيصلي سان سهمت نه هجان ته؟

جواب: جيڪڏهن توهان سمجهو ٿا ته فيصلو انصاف ڀريو نه آهي ته توهان ٽيهن ڏينهن اندر سنڌ جي گورنر کي درخواست ڪري سگهو ٿا ۽ هو ان تي ڪو به حڪم نامو جاري ڪري سگهي ٿو.

سوال: ڇا مان محاسب سنڌ جي مدد ڪرڻ سان پنهنجي ڪورٽ ۾ وڃڻ جي حق تان هٿ نه ٽوڪان؟

جواب: پهرين ڳالهه ته هيءَ آفيس ان ڪيس تي غور نه ڪندي، جيڪو ڪورٽ ۾ اڪلاءِ هيٺ آهي پوءِ به جيڪڏهن اسان جي مدد حاصل ڪيو ٿا ۽ ڪارروائي مان مطمئن نه آهيو ته توهان ڪهڙي به وقت هن آفيس مان ڪيس تان هٿ ڪڍڻ بعد ڪنهن به ڪورٽ ۾ وڃي سگهو ٿا.

سوال: صوبائي محاسب سنڌ جي آفيس جي قيام جو ڪهڙو مقصد آهي؟

جواب: صوبي اندر انتظامي ڪوتاهين خلاف شڪايت ڪندڙن جي مسئلن کي حل ڪرڻ

سوال: ڇا سنڌ جو محاسب ايگزيڪيوٽو جي بالادستي کان آزاد آهي؟

جواب: ها، سنڌ صوبي جي محاسب جي آفيس جي قيام جو ايڪٽ 1991ع تحت محاسب پنهنجي ڪمن ڪارين ۾ خودمختيار ۽ آزاد آهي.

سوال: محاسب ڪهڙي قسم جون شڪايتون ٻڌي ۽ حل ڪري سگهي ٿو؟

جواب: محاسب سنڌ حڪومت جي سڀني ادارن سان لاڳاپيل بدانتظامي جون شڪايتون ٻڌي سگهي ٿو پر هو اهي شڪايتون نه ٿو ٻڌي سگهي جيڪي وفاقي محاسب، وفاقي ٽيڪس محاسب، انشورنس محاسب ۽ بينڪنگ محاسب جي اختيار ۾ اچن ٿيون.

سوال: ڇا مان محاسب وٽ ڪا شڪايت ڪري سگهان ٿو؟

جواب: ها، ڪو به ماڻهو سادي پني تي صحيح ٿيل شڪايت محاسب وٽ داخل ڪري سگهي ٿو، جنهن تي ٽڪلي لڳائڻ جي ڪا به ضرورت نه آهي، ڪنهن به گمنام يا ڪوڙي درخواست تي غور نه ڪيو ويندو.

سوال: ڇا محاسب پنهنجي شڪايت ٻڌڻ جوڳي قرار ڏيندو؟

جواب: ها، جيڪڏهن ان سان گڏ هيٺيان دستاويز شامل هجن.
(1) شناختي ڪارڊ جي ڪاپي (شڪايت ڪندڙ جي)
(2) هڪ عدد قسم نامو جيڪو هيڊ آفيس يا ريجنل آفيس مان بنا ئي جي حاصل ڪري سگهجي ٿو.

سوال: ڇا مان پنهنجي شڪايت سنڌي ۾ داخل ڪري سگهان ٿو؟

جواب: ها، بلڪل سنڌي، اردو يا انگريزي ۾ درخواست جمع ڪرائي سگهجي ٿي.

سوال: اهڙي شڪايت داخل ڪرائڻ ۾ منهنجو ڪيترو خرچ ايندو؟

جواب: شڪايت ڪرڻ جو ڪو به خرچ نه پرڻو پوندو.

سوال: ڇا شڪايت ڪندڙ کي وڪيل جي ضرورت آهي؟

جواب: نه بلڪل نه.

سوال: ڇا مان صرف پنهنجي شڪايت مرڪزي آفيس ڪراچي ۾ داخل ڪري سگهان ٿو؟

جواب: ضروري نه آهي توهان اسان جي ڪنهن به علائقائي آفيس ۾ داخل ڪرائي سگهو ٿا، جهڙوڪ ڪراچي، حيدرآباد، لاڙڪاڻو، ميرپورخاص، سکر، نوابشاهه، دادو، بدين، مٺي، جيڪب آباد ۾ قائم آفيسن ۾ ڪرائي سگهو ٿا جتي به شڪايت ڪيو اتي ان تي عمل ڪيو ويندو.

ميدان ۾ حصي وٺڻ جو حق پڻ شامل آهي.

اهو سڀ ڪجهه ان ڪري ضروري آهي جو تحقيق ٻڌائي ٿي ته سموريون مخلوقات ۾ انسان اها واحد مخلوق آهي جنهن جو ننڍپڻ يا پين جي سار سنڀال واري مدت گهڻي ڊگهي آهي، پيدائش کان وٺي ڇهه يا ست سال جي عمر تائين جيڪڏهن ٻار جي حفاظت ۽ نظراندازي نه ڪئي وڃي ته زنده رهڻ مشڪل آهي، جڏهن ته ٻين سمورين مخلوقات جو ننڍپڻ وڏو کان وڏو ڇهه مهينا سال ٿئي ٿو، انهي حفاظت واري محتاجي جي ڊيگهه / طوالت معاشري کي جنم ڏنو آهي، ٻارن جي حفاظت ۽ مدد جي تجربي مان اهو رستو کليو آهي ته وڏا ٿي ڪري پڻ هڪٻئي جي مدد ۽ حفاظت جاري رکي وڃي، جنهن سان بعد ۾ تهذيب وجود ۾ آئي، اڄ اسان تاريخ جي مختلف دورن مان گذرندي ان منزل تي پهچي ويا آهيون ته جيڪو ڪم اسان روايتي يا انفرادي حيثيت ۾ ڪندا هئاسين، ان کي هاڻي ضروري سمجهي ڏيان ڏيو، اهو تڏهن ئي ممڪن آهي جڏهن ننڍي عمر جي ٻارن جي تربيت ۽ انهن جي حقن جو شعور رکندا هجئون، ڪمزور يا حفاظت جو محتاج سمجهندي پنهنجي مرضي سان پرورش ڪرڻ بجاءِ ٻارن جي حقن جو پڻ خيال رکون ناروا سلوڪ جنهن ۾ عزت نفس کي چٽڻ، تشدد ڪرڻ يا حڪم جو جبري طور پابند بڻائڻ سان ٻار جي شخصيت مسخ ٿي ويندي آهي، هن جون فطري صلاحيتون مرجھائي وينديون آهن، جڏهن هو ان لائق هوندا آهن ته آزاد طور تي پنهنجي فڪر ۽ شخصيت جي دٻاءُ ۾ معاشري زندگي تي اثر ڇڏين ته پوءِ ننڍپڻ ۾ جيڪي بچ پوکيل هوندا آهن اهي وڏي وڻ ٿي چڪا هوندا آهن، انهن مان ڪنڊيدار پڻ ٿي سگهن ٿا ته ميوات ڏيندڙ پڻ ان جو تعلق ته ننڍپڻ جي بچن سان هوندو آهي، جيڪي ننڍپڻ ۾ خاندان يا معاشري پوکيا آهن.

نفسيات جي ماهرن تجربن ۽ تحقيق مان اهو ثابت ڪري ڇڏيو آهي ته پيدائش کان پوءِ ٻار جن مشاهدن ۽ تجربن مان گذري ٿو، اهي ئي مختلف شڪلن ۾ سموري زندگي هن سان گڏ هلندا رهندا آهن اهي ايندڙ زندگي جو عڪس ٿي ويندا آهن، ماهرن وچ ۾ عمر جي حد تي اختلاف ضرور آهن، ڪجهه چون ته پنج سالن تائين ۽ ڪجهه چون ٿا ته ستن کان 14 سالن تائين جي عمر ۾ ايندڙ ڏينهن جي روين جو فيصلو ٿي ويندو آهي، ان کي محاورو ۾ به چيو ويو آهي ته ”پوڙها طرطا ڇا سکندا“ يعني هڪ عمر تعين ٿيل آهي جيڪو ڪجهه سگهو هوندو آهي اهو سگهو وٺبو آهي، تشدد واري ماحول ۾ پلجندڙ ٻارن جو دهشتگرده يا ڏوهي ٿيڻ ڪا تعجب واري ڳالهه نه آهي جيڪو رويو ٻار سان روا رکيو ويو بيمرسي يا ڪمزوري تحت هن برداشت نه ڪري ورتو پر پنهنجن پيرن تي بيٺو کان پوءِ انتقامي ڪاررواين جا عڪس هن جي قدمن مان نظر ايندا آهن ان سلسلي ۾ ٻارن جي نفسيات ۾ تربيت تي تفصيلي تحقيقات موجود آهن اسان کي بهرحال ايترو شعور هئڻ گهرجي ته ٻار ڪنهن رعايت يا مهرباني تحت زنده نٿا رهن، زنده رهڻ سان گڏ انهن جا به حق آهن جيڪي ملڻ گهرجن، خاندان، معاشري ۽ رياست جو اهو فرض بڻجي ٿو وڃي ته هنن جا حق کين ڏنا وڃن، جيڪڏهن هنن ۾ ڪا ڪونهي ٿئي ٿي ته ان ۾ ڪونهي موجود آهي، گڏيل قومن جي ٻارن جي تعداد بابت قرارداد تي جيڪڏهن عملدرآمد ڪيو وڃي ته جارج برنارڊ شاھ جي بقول ڪامياب زندگي جو سڀني کان اعليٰ ۽ يادگار ڪم اهو ٿي آهي ته اها سٺن ٻارن جي پرورش ڪري جيڪي معاشري ۾ سٺا انسان ٿي ڪري اڀرن.

محتسب اعليٰ ۽ ٻار

سجاد حيدر وڳڻ

آهي ته لطيفو پر ان ڳالهه ۾ دانشمندی آهي ته ڪو ماڻهو ٻاهرين ملڪ مان پٽ سان گڏ واپس آيو ته ڪسٽر مان نڪري ايئرپورٽ تي ئي پٽ کي مارڻ لڳو، ٻار ڏانهن ڪوڪون ڪرڻ لڳو ته ماڻهو گڏ ٿي ويا، پيءُ کان مارڻ جي وجهه پڇي، جنهن تي هن ٻڌايو ته آمريڪا ۾ جڏهن هن کي آئرن ماريندو ڊوڪا ڏيندو هئس ته هي فون ڪري شڪايت ڪندو هو. پوليس اچي تنبيهه ڪري ويندي هئي ته ٻيهر جيڪڏهن اهڙي حرڪت ڪئي ته جيل وڃڻو پوندو ۽ ان کانسواءِ ڏنڊ به پوندو. هاڻي حسرت پوري ڪرڻ ۽ محرومي جو بدلو وٺڻ لاءِ پٽ کي پاڪستان وٺي آيو آهيان. پهريون موقعو ملندي ئي حسرت کي ڀورو ڪري رهيو آهيان. لطيفي ۾ اها ڳالهه لڪل آهي ته آمريڪا ۽ ٻين يورپي ملڪن ۾ پٽ کي مارڪٽ ڪرڻ جو پيءُ کي حق نه هوندو آهي. ان کي غير قانوني عمل سمجهيو ويندو آهي. جڏهن ته پاڪستان ۾ اهو فطري حق بڻايو ويو آهي. سمجهيو ويندو آهي ته پٽ پيءُ جي ملڪيت آهي، ڪو ان ڪيفيت کي ڪيڏي به بهتر انداز ۾ پيش ڪري ويو آهي ته ثبات ابڪ تغير ڪوهي زمان ۾ (زمانو ۾ صرف ڦير ڦاريا تبديلي ئي اهڙي شئي آهي جيڪا رهندي) ان مصداق اها صورتحال به هاڻي بدلجي وئي آهي ته پيدائش ته خاندان ۾ ٿئي ٿي پر پيدا ٿيندڙ ٻار مملڪت جو اڻاڻو سمجهيو ويندو آهي. خاندان صرف ڪسٽوڊين هوندو آهي اسان کي گڏيل قومن جو شڪرگذار هئڻ گهرجي جو ان پنهنجي بين القوامي ذميواري جي پيش نظر 1990 ع ۾ ٻارن جي حقن جو ڪنوئشن منعقد ڪري 54 آرٽيڪلز تي ٻڌل قرارداد منظور ڪئي، قرارداد سان متفق ميمبرن کي پنهنجي ملڪ ۾ لاڳو ڪيو ۽ پاڪستان پڻ انهن ملڪن ۾ شامل آهي، جتي ٻار زندهه رهڻ جا ڪي حق رکي ٿو. جيڪڏهن حقن جي ڀڃڪڙي ڪئي وڃي ته گڏيل قومن جي ماتحت اداري يونيسيف مختلف ملڪن جي حڪومتن جي تعاون سان شڪايتي مرڪز قائم ڪيا آهن.

اسلام آباد ۾ وفاقي محتسب جي سهڪار سان ٻارن جي شڪايت ٻڌڻ جو ادارو قائم ٿي چڪو آهي ۽ هاڻي محتسب اعليٰ سنڌ اسد اشرف ملڪ جي ذاتي دلچسپي ۽ توجهه سان محتسب سيڪريٽريٽ ۾ پڻ ٻارن جي حقن جي پاڻمالي بابت شڪايتن ٻڌڻ جو دفتر قائم ڪيو ويو آهي. جيڪو ايشيا ۾ پهريون علائقائي ٻارن جي شڪايت ٻڌڻ وارو دفتر جو درجو رکي ٿو، جتي ٻارن کان جبري يورھڻي وٺڻ يا علاج معالجي ۽ تعليمي ادارن ۾ نظرانداز ڪرڻ يا ترجيحي سلوڪ روا رکڻ، جيلن ۽ ٿانڻ ۾ ٻارن سان جابرائي رويي، والدين پاران ٻارن سان تشدد واري يا ظالماڻي رويي تي ٻار خود يا ان جو سرپرست يا ڪو به شڪايت ڏيندڙ محتسب سنڌ وٽ شڪايت پيش ڪري سگهي ٿو، اداري جو قيام ان اعليٰ شعور جو مظهر آهي، جنهن ۾ خاندان معاشري ۽ رياست تي فرض عائد ٿئي ٿو ته ٻارن جي حقن کي تسليم ڪندي ان جو احترام ۽ پاسداري ڪن.

گڏيل قومن جي قرارداد ۾ 54 آرٽيڪلز ۾ ٻارن جا اهي سمورا حق شامل ڪيا ويا آهن جيڪي هڪ بهترين زندگي جي فروغ لاءِ ضروري آهن، مثال طور بهتر کان بهتر ماحول فراهم ڪرڻ بهتر صحت ۽ تعليم جو انتظار، عزت نفس ۽ تشخص جي پاسداري، انهي ڪري قرارداد جي آرٽيڪل 7 ۾ چئي پابندي لاڳو ڪئي وئي آهي ته پيدا ٿيڻ وقت نالي ۾ قوميت سان گڏ رجسٽريشن ڪرائي وڃي ٻين آرٽيڪلز ۾ ٻارن جا سمورا پهلو جيڪي ممڪن ٿي سگهن ٿا انهن جو ڇيد ڪري راهون متعين ڪيون ويون آهن جنهن ۾ آرام ۽ تفريح سان گڏوگڏ عمر جي لحاظ کان آزاد نموني ثقافت ۽ آرٽ جي



☆ پاکستان کی امور خارجہ یا بیرونی مملکت یا حکومت کے ساتھ تعلقات یا معاملات پر شکایت منظور نہیں کی جاتی اس کے علاوہ دفاع پاکستان یعنی بری بحری یا فضائی افواج سے متعلق قوانین پر مشتمل معاملات سے متعلق یا ان سے ملے ہوئے معاملات پر شکایت کی سماعت نہیں ہوتی۔

☆ سرکاری ملازم یا اہلکار کی جانب سے اپنے محکمے سے متعلق امور جس میں وہ کام کرتا ہے یا کرتا رہا ہو تفتیش کے لئے کوئی ایسی شکایت قبول نہیں کی جاتی جو ملازمت سے متعلق یا کسی ذاتی تکلیف کی بارے میں ہو۔

☆ شکایت پر کوئی ڈیوٹی یا معاوضہ نہیں لیا جاتا ہے۔

☆ وکیل کی بھی ضرورت نہیں ہوتی ہے۔

ادارہ محتسب کے نظام کا طریقہ کار کیا ہے؟

صوبائی محتسب سندھ کا ادارہ 1991 میں ایکٹ کے تحت قائم ہوا جو حکومت سندھ سے آئینی طور پر خود مختار ہے۔ حکومت سندھ کے

حکاموں اور متعلقہ اداروں میں بدانتظامی کے معاملات کی چھان بین کرتا ہے۔

☆ بدانتظامی سے متاثر ہونے والا کوئی بھی شخص سادہ کاغذ پر سندھی، اردو یا انگریزی میں محتسب اعلیٰ سندھ کو اپنی شکایت معہ ثبوت

کے پیش کر سکتا ہے۔

☆ شکایت ہیڈ آفس میں یا مقرر کردہ ریجنل آفس میں بھیجی جاسکتی ہے۔ جس کے مکمل پتے آخر میں موجود ہیں۔

☆ ادارہ محتسب سندھ قانون کی بالادستی، تیز رفتار انتظامی انصاف کی فراہمی، سندھ حکومت کے مفادات کا تحفظ اور صوابدیدی

اختیارات پر منصفانہ عملدرآمد کو یقینی بناتا ہے۔

☆ ایسی شکایتیں قابل قبول نہیں ہوتیں جو پہلے ادارہ محتسب سندھ میں منظور ہو کر کارروائی سے گزر چکی ہوں۔

یا

کسی دوسرے مثلاً وفاقی یا ٹیکس۔ بینکنگ، انشورنس کے محتسب کے دائرہ اختیار میں آتی ہوں۔

یا

عدالت میں زیر سماعت ہوں

☆ عام طور پر شکایت کے ازالے میں دو تین ماہ کی مدت لگ جاتی ہے لیکن محکمے کی جانب سے وضاحت یا صفائی پیش کرنے میں

تاخیر ہونے پر یہ مدت بڑھ سکتی ہے۔

☆ محتسب اعلیٰ سندھ شکایت پر اپنی دستخط سے فیصلہ جاری کرتے ہیں جس پر عملدرآمد کرنا متعلقہ محکمے پر لازمی قرار پاتا ہے۔

☆ اگر کسی فیصلے سے شکایت گزار کو اتفاق نہ ہو تو وہ تین دن کے اندر گورنر سندھ کو عرضداشت (Representation) بھیج کر

نظر ثانی کی درخواست کر سکتا ہے۔

☆ ادارہ محتسب سندھ میں زیر سماعت درخواست پر عدالت سے رجوع کیا جاسکتا ہے اور ادارہ محتسب سندھ سے شکایت خارج

کردی جائے گی۔

☆ پاکستان کی امور خارجہ یا بیرونی مملکت یا حکومت کے ساتھ تعلقات یا معاملات پر شکایت منظور نہیں کی جاتی اس کے علاوہ دفاع

پاکستان یعنی بری بھری یا فضائی افواج سے متعلق قوانین پر مشتمل معاملات سے متعلق یا ان سے ملے ہوئے معاملات پر شکایت کی سماعت نہیں

ہوتی۔

☆ سرکاری ملازم یا اہلکار کی جانب سے اپنے محکمے سے متعلق امور جس میں وہ کام کرتا ہے یا کرتا رہا ہو تفتیش کے لئے کوئی ایسی

شکایت قبول نہیں کی جاتی جو ملازمت سے متعلق یا کسی ذاتی تکلیف کی بارے میں ہو۔

☆ شکایت پر کوئی ڈیوٹی یا معاوضہ نہیں لیا جاتا ہے۔

☆ وکیل کی بھی ضرورت نہیں ہوتی ہے۔

☆ ادارہ محتسب سندھ میں زیر سماعت درخواست پر عدالت سے رجوع کیا جاسکتا ہے اور ادارہ محتسب سندھ سے شکایت خارج

کردی جائے گی۔

ادارہ محتسب اور انتظامی مسائل

حسن رضوی

روزگار اور خاندانی معاملات کے علاوہ بہت سے ایسے کام ہیں جن کے حل کرانے میں حکومت سے واسطہ پڑتا رہتا ہے۔ شہریوں کو ان کی زندگی میں آسانیاں مہیا کرنے کے لئے انتظامیہ یا حکومت قائم ہوئی ہے حکومت نے کاموں کی درجہ بندی سے محکمے قائم کئے ہیں مثلاً محکمہ زراعت، محکمہ آبپاشی، محکمہ تعلیمات، محکمہ صحت وغیرہ۔ جس طرح کام ہوگا اسی محکمے سے رابطہ کیا جاتا ہے۔ جہاں ہمارا کام آسانی سے حل ہو جاتا ہے یا پھر اعتراضات اور مشکلات سامنے آ جاتی ہیں۔ اگر فرد یہ سمجھتا ہے کہ اس کے ساتھ انصاف نہیں ہو رہا یا اس کے کام میں بے جا تاخیر کی جا رہی ہے اور بد انتظامی آڑے آ رہی ہے یا قانون کے قاعدوں اور ضابطوں پر عملدرآمد نہیں ہو رہا تو انصاف کی فراہمی کے لئے عدالتی نظام موجود ہے۔ عدالت سے رجوع کر کے اپنے کام کے سلسلے میں حکم حاصل کر لیا جاتا ہے لیکن عدالت کا دائرہ اختیار صرف فرد اور حکومت کے تعلق سے ہی نہیں بلکہ فرد سے فرد کے معاملات سے بھی ہوتا ہے۔ جس سے بے شمار مسائل پیدا ہوتے ہیں فرد اور حکومت کے واسطے سے انتظامی نا انصافیوں پر عدالت سے رجوع کرنے میں عدلیہ پر بوجھ بہت زیادہ ہو جاتا ہے۔

تاریخ سے قطع نظر ماہرین قانون نے انتظامیہ اور عدلیہ کے درمیان ایک نظام وضع کیا ہے جسے محتسب کا نظام کہا جاتا ہے۔ ہم جانتے ہیں کہ قانون سازی کے تحت قائم کیا ہوا ادارہ حکومت کہلاتا ہے جو قوانین کی عملداری کے لئے تنظیم کی صورت سے وجود میں آیا ہے اسی لئے اسے انتظامیہ یا حکمرانی یعنی قانون کا حکم قائم کرانے والا ادارہ کہا جاتا ہے۔ اس ادارے میں بد انتظامی یا اختیارات سے تجاوز یا ناجائز طریقہ کار کو گرفت کرنے کے لئے محتسب مقرر کئے گئے ہیں یہ ادارہ دستور کے تحت قائم ہوا ہے اور اس کے لئے باقاعدہ قانون بنا کر اس کا دائرہ اختیار اور طریقہ کار طے کر دیا گیا ہے۔ محدود سطح پر یہ نظام بد انتظامی کی وجہ سے پیش آنے والی نا انصافیوں کی سماعت کر کے فیصلہ سنا رہا ہے۔ اس وقت دنیا کے تقریباً ستر ممالک میں یہ نظام زو بہ عمل ہے خود پاکستان اور بعض ممالک میں تو انتظامی معاملات کے شعبے متعین کر کے علیحدہ علیحدہ محتسب مقرر ہوئے ہیں۔ پاکستان میں ٹیکس، انشورنس، بینکنگ ایسے شعبے ہیں جن سے شہریوں کا واسطہ پڑتا ہے۔ اگر کوئی مشکل پیش آتی ہے تو براہ راست اس شعبے کے محتسب سے رابطہ کر کے نا انصافی کا ازالہ کرایا جاسکتا ہے۔ دیگر ملکوں میں تو تعلیم، صحت، تجارت وغیرہ کے بھی محتسب مقرر کئے گئے ہیں جو صرف متعین مسئلے کے امور میں پیش آنے والی مشکلات اور نا انصافی کی دادری کرتے ہیں۔

مرکزی حکومت کے اداروں سے متعلق اگر کوئی شکایت یا نا انصافی ہونے کا خیال پیدا ہو تو وفاقی محتسب سے دادری حاصل کی جاسکتی ہے۔ صوبوں میں صوبائی محتسب مقرر کئے گئے ہیں جو صوبوں کی حکومت کے تحت آنے والے محکموں یا صوبائی حکومت کی طرف سے قائم کردہ کوئی آئینی کارپوریشن یا دیگر ادارہ جس میں عدالت عالیہ شامل نہیں ہے اگر کسی شہری کو اپنے کام کے سلسلے میں کوئی شکایت پیدا ہوتی ہے تو وہ متعلقہ محتسب سے انتظامی انصاف طلب کر سکتا ہے۔ اس تعارف کے بعد ہم محتسب اعلیٰ سندھ کے ادارے سے متعلق طریقہ کار پر روشنی ڈالیں گے۔

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