

PLENARY II : "Innovative ideas in the Ombudsworld"

Topic : Speedy Complaint Resolution: An Ombudsman's Perspective from Pakistan

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Excellencies the President of the International Ombudsman Institute, The Secretary General of the IOI, The Honourable Ombudsmen of Thailand, Excellencies, dear colleagues, Ladies and Gentlemen:

bring to you very warm greetings from 195 million Pakistanis, specially the underprivileged ones, as I rise to present to you a perspective on the innovative Speedy Complaint Resolution Mechanism that we have recently put in place in Pakistan. I mention the underprivileged because they are the ones who benefit most from our interventions. I am indeed humbled by the thought of sharing this perspective with such a distinguished gathering today. On behalf of the Asian Ombudsman Association, and, on my own behalf, I wish to express my deep gratitude to His Excellency Prof. Siracha and his team for hosting this meeting in such a magnificent setting and I thank him for the very warm hospitality that has left us all at a loss for words. It is indeed overwhelming.

Excellencies, Ladies and Gentlemen,

You and I share the same vision, the same goal and the same mission. Together, we are endeavouring, in our own ways, to bring smile on the faces of our people for we both believe that deprivation must not be the destiny of our citizens. Before I unfold before you the story of our Speedy Complaint Resolution Mechanism, please allow me to present to you a brief account of the institution of the Federal Ombudsman of Pakistan. Those who crafted our Constitution were aware of the importance of the Office of the Federal Ombudsman as they appropriately mentioned it in 1973 constitution. The Principles of Policy set out in the Constitution bind the State to ensure inexpensive and expeditious justice to the people of Pakistan. As a corollary to this Constitutional obligation, the Office of the Federal Ombudsman was established in 1983 to diagnose, investigate, redress and rectify any injustice done to a person by the Federal Government Agencies and their functionaries. We thus endeavour to promote good governance, accountability, efficiency and provide speedy and free of cost justice to the common man. Headquartered in the Federal Capital at Islamabad, the Federal Ombudsman has 13 Regional Offices spread over all the provincial capitals and other major locations of Pakistan and more offices are in the offing.

Excellencies, Ladies & Gentlemen,

One has to experience it to believe what the institution of the Federal Ombudsman means to a citizen who is unfamiliar to the functioning of bureaucracy in the country. It is in this environment that a range of Ombudsmen Offices has been created in Pakistan in different specific sectors of federal governance like tax, banking, and insurance; and for Protection against Harassment of Women at Workplace. Similarly, Provincial Ombudsmen are also functioning in their respective provincial capitals and few districts and sub districts. Besides, a Forum of Pakistan Ombudsmen comprising the Federal and Provincial Ombudsmen has been functioning since the year 2011 to advance good governance in the country.

Internationally, we continue to work with other countries to share experiences and expertise. We are gratified that the Asian Ombudsman Association which was pioneered by Pakistan and China has reposed such confidence in Pakistan by electing me as its President; and I thank my Asian colleagues also who conferred on me the unique honour of electing me as the President of the Asian Region of International Ombudsman Institute. We consider it recognition of Pakistan's role in promotion of Ombudsmanship in the rest of the world. We are also privileged to have the Secretariat of the Asian Ombudsman Association in the Federal Ombudsman's Office in Islamabad.

Ladies & Gentlemen,

Since 1983, when the office of the Federal Ombudsman was created, successive governments have helped to strengthen the institution. But a major Parliamentary intervention in 2013, on my initiative soon after I assumed the present position, has substantially improved the efficiency and efficacy of the institution. Prior to 2013, disposal of complaints sometimes used to take many months to several years. With the introduction of the new law, the time for disposal of every complaint has been fixed to a maximum of 60 days; and all appeals to be decided in 45 days. Besides, it is mandatory for the Hon'ble President of Pakistan who is the appellate authority against the decisions of the Federal Ombudsman to decide on the representations made to him within a period of 90 days. Previously, the office of Ombudsman had no powers to get its recommendations implemented. By virtue of the new law, powers of a civil court have been vested in the Federal Ombudsman. Accordingly, the Federal Ombudsman can stay operation of the impugned order or decision and can also punish for contempt as provided in the Contempt of Court Ordinance for non-implementation of his decisions.

The new law has also empowered the Federal Ombudsman to appoint Grievance Commissioners in an Agency against which a large number of complaints are received persistently. Pursuant to this provision, Grievance Commissioners for an estimated 8.1 million Overseas Pakistanis as well as for 2.5 million Pensioners and Civic Agencies have been appointed. Moreover, Commissioners for the Federally Administered Tribal Areas having a population of around 5 million have also been appointed thereby facilitating the people of FATA to lodge complaints against the government Agencies and Political Agents of those areas. Previously these areas were outside the jurisdiction of the Federal Ombudsman.

The mandate of the Federal Ombudsman has been further expanded under the new law to include an Agency in which the Federal Government has any share or which have been licensed or registered and notified by the Federal Government.

Ladies & Gentlemen,

During my tenure alone which started from 2013, about 2,80,000 complaints have so far been resolved. There were much less than 1% appeals to the President out of which 90% decisions were upheld by him. We take satisfaction in the fact that the implementation rate of our decisions is more than 90% which is indicative of the cooperation and trust that we have earned with the Agencies of the government and the complainants.

In order to focus more on preventive measures to minimize the incidence of maladministration by government agencies and to carry out reforms to improve governance, we constituted Standing or Advisory Committees comprising eminent experts. Several such committees have carried out in-depth studies ranging from reforms in Police Stations and in Prisons, transparency in public procurement, functioning of regulatory bodies and their recommendations for good governance are being implemented.

The National Commissioner for children provides a platform for redressing complaints related to and by children, addressing child rights issues and to enable the Federal Ombudsman to advise the government on systemic issues that impact the rights of children and compliance with the UNCRC. We have constituted 13 committees of commissioners (similar to High Court benches) comprising one representative each of the civil society and that of the Federal Ombudsman and the concerned provincial ombudsman to hear and decide complaints by and on behalf of children, and suo moto issues identified by the committees. Child complaints can also be lodged on dedicated phone number.

Ladies & Gentlemen,

Pakistan is the 6th largest country in the world in terms of population, which stands at more than 195 million today. With an area of almost 8 million square kilometres, the entire country is divided into 149 districts and 596 sub-divisions. Majority of the population lives in the far-flung rural areas. In the province of Balochistan, density of population is only 43 persons per square kilometre. Road network and transport facilities throughout the rural areas of the country leave much to be desired. In these conditions, it is extremely difficult for the complainants to reach the offices of the Federal Ombudsman located mainly at the provincial capitals and in some big cities. The regular judicial system is overburdened and in many cases final dispensation of justice takes years.

Ladies and Gentlemen,

In order to provide inexpensive and expeditious administrative justice to the people at large, we have lately taken a new initiative by appointing Grievance Officers in all the Agencies of the Federal Government from amongst the senior officers working in the respective Agencies, nominated by the Head of the Agency concerned. They are responsible to resolve the complaints against the Agency within a period of 15 days. These complaints are registered with the Ombudsman. In case the Grievance Officer of the Agency fails to redress the complaint in the stipulated period, it is automatically converted into a complaint to be processed and investigated by the Federal Ombudsman's office for a decision. This is an option available to the aggrieved persons, who can walk-in to the office of Grievance Officer and seek instant resolution of his complaint. The relevant enabling provision of law reads as follows:-

"Informal resolution of disputes – The Mohtasib (Ombudsman) shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice. ... "

In order to optimise and extend the outreach of the Federal Ombudsman to make its services more accessible to the people, especially in the far flung areas of the country, a major new initiative has been launched. This initiative has been named as "Swift Complaint Resolution" and being implemented in 745 locations (149 districts and 596 sub-districts of Pakistan). Under this dispensation, Investigating Officers from the headquarters and regional offices undertake visits to all the district headquarters and sub-district locations to hear complaints, mediate between the complainants and the government agencies to arrive at a fair and just resolution. The total time taken to investigate, appraise and approve findings does not take more than 25 days. However, appeals and complaints relating to maladministration in respect of commercial and industrial enterprises and complaints involving high monetary values are heard and decided in the Head Office or Regional Offices and generally decided by Committees of two or more Investigating Officers. Such complaints and appeals are also decided within 45 days.

We have state of the art Complaint Management Information System (CMIS) which can be accessed by the complainant and the agency to seek update of progress of any complaint. Our Investigating Officers also communicate progress through telephone text messages.

Excellencies, Ladies and Gentlemen!

It is gratifying that the SCR Pilot Project has earned unprecedented wide acclaim from the public and extensive coverage from media.

A recent research study carried out under the auspices of the World Bank has spelt out in detail, and fully endorsed the implementation and modus-operandi of the SCR.

Another independent survey carried out under the auspices of the World Bank on the working of the institution of the Federal Ombudsman of Pakistan (2013-2015), has shown that not only 90% of complainants rated our performance as very good or good, 100% of our findings were finalised within stipulated time. The study has categorized the office of Federal Ombudsman as being one of the most efficient and responsive institutions in the country. This is ample evidence of the ability of the institution to fully assimilate and implement the concept of the SCR. In fact, its working has already won appreciation and acclaim of the people of Pakistan from all walks of life, ranging from the President and the Chief Justice of Pakistan, to its common man and the civil society organisations.

The SCR is, therefore, another example of the dynamic and flexible mechanisms followed by the institution of the Federal Ombudsman of Pakistan which have stood the test of time. Almost three hundred thousand families have benefited from these schemes.

Ladies and Gentlemen,

We have moved the constitutional entity, Interprovincial Coordination Committee, comprising of top echelons of the federal and provincial governments to take the concept of SCR to an entirely different plane and at a higher pedestal.

Under this integrated approach proposed by us, all the twelve ombudsmen of Pakistan will administer administrative justice under one roof, initially in 745 locations (districts and sub-districts) and ultimately in 11845 locations (at Union Council level) to hear complaints of maladministration against federal, provincial and local agencies under the same roof in accordance with their respective laws. This will be a one-stop facility for redressal of complaints against all levels of public administration. This integrated approach, besides resolving complaints speedily, will provide a unique opportunity to the complainants at their doorsteps where representatives of all the ombudsman institutions such as Tax, Banking, Insurance, Harassment of Women at Workplace premises, etc., would be present to resolve complaints on the spot.

SCR holds promise for the 'Ombudsman village' as it is unique and unprecedented in its intensive and extensive coverage. Especially suited for large populations, it could bring swift and effective socio-economic change across the board, and be a game changer for the underprivileged in a less than fair global social system. That, ladies and gentlemen, is the trophy we should all aspire for serving the people who suffer maladministration in public administrations.

I thank you, Excellencies, ladies and gentlemen and dear colleagues, for your patience. God bless us all.