

PalArch's Journal of Archaeology of Egypt / Egyptology

FEDERAL OMBUDSMAN (WAFaqI MOHTASIB) IN PAKISTAN: A REAPPRAISAL OF ITS ORIGIN, DEVELOPMENT AND FUNCTIONS

Safdar Hussain¹, Arsalan Rasool², Nouman Rasool³

1. Assistant Professor, Ph.D. Department of Political Science, The Islamia University of Bahawalpur.
Safdar.hussain@iub.edu.pk

2. Assistant Professor, Department of Public Administration, The Islamia University of Bahawalpur.
Arsalan.rasool@iub.edu.pk

3. Senior Field Manager, Center for Economic Research in Pakistan (CERP), nouman.rasool18@gmail.com

**Safdar Hussain, Arsalan Rasool, Nouman Rasool: FEDERAL OMBUDSMAN (WAFaqI MOHTASIB)
IN PAKISTAN: A REAPPRAISAL OF ITS ORIGIN, DEVELOPMENT AND FUNCTIONS-- Palarch's
Journal of Archaeology of Egypt/Egyptology 17 (12), 62-77. ISSN 1567-214x**

Keywords: Ombudsman, Constitution, Public Officials, Democracy, Governance.

Abstract:

Ombudsman is an organisation that increases the standard of democracy. It provides people an institution that efficiently investigates their grievances and concerns about the government in general and public officials in particular. Essentially, it is a remedy to resolve inequality and injustice. Likewise, Government that encourages citizens to obtain remedy for their complaints against a public officer is actually enhancing governance and improving public administration. It increases citizens trust in the administration. Human rights are fundamental phenomenon, and ombudsman is a step in the right direction to deliver justice to the people. The government of Pakistan has rightly introduced Ombudsman institution both at the federal and provincial level. It performs significant functions providing people a cheap and important medium to rectify complaints against the public officials. Ombudsman have generally been neglected and much is not available on it in the existing scholarship. To fulfil this lacuna this descriptive and analytical investigation focuses on the Ombudsman's origin, method of appointment/removal, complaints handling and performance of duties. It is organised using both primary and secondary literature.

Introduction

The institution of the ombudsman is a means for the citizen to seek independent, impartial and quick/cheap justice against the malpractice of the administrator. Basically, individuals can solve their grievance and protect their fundamental rights. The ombudsman applies administrative responsibility in ways that ensure that public policing and public dealing are carried out fairly and properly (Frank 1970). The ombudsman decides against individual complaints, either in the form of recommendation, decision and reconsideration that has been carried out by the administrator due to intentional or unintentional actions that is biased, oppressive and prejudicial.

The institution of ombudsman in Pakistan is undeveloped and relatively young. The nation got independent in 1947, and Ombudsman was established three decades later in mid 1980s. The word utilized for the Ombudsman in Pakistan is "Mohtasib".

Surprisingly, general Zia-ul-Haq, a military dictator established the institution in 1983. With the progress and development of the state of Pakistan, the activities of the government had multiplied. The government did more than just collect revenue or regulate the law and ordered it to start playing a very active role in all aspects of people's lives. The increase in government activities, as well as bureaucracy in daily life, resulted in too many complaints about the administrator's misconduct. This situation urged to have an institution that would supervise the activities of public bodies.

This development prompted the creation of the institution of the Ombudsman during the 1980s. Basit argues "The need for the institution was more pressing in Pakistan, considering the rapidly growing population and evolving institutional processes" (Khan 2016). So far five Federal Ombudsmen including Pakistan Federal Ombudsman, Federal Tax Ombudsman, Federal Insurance Ombudsman, Mohtasib Pakistan Bank and Federal Ombudsman (Protection of Women from Harassment at the Place of work) are working. The Islamabad based Wafaqi Mohtasib (Federal Ombudsman) central aims include "to diagnose, investigate, remedy and correct any maladministration" committed to an individual by the civil officers (Hashmi 2015).

Moreover, the office is present both at the federal level and in four regions of Pakistan to be specific Sindh, Punjab, KPK and Baluchistan. Federating units, Sindh and Punjab, introduced local Ombudsman in 1991 and 1996 separately. While Punjab has subbranches too to redress the grievances of far off individuals. According to section 134 of devolution plan 2003, government of Punjab was to appoint Zila Mohtasib (District Ombudsman), however, there were no substantial developments in this regard (M. Mezzera, S. Aftab & S. Yosuf 2010).

Before discussing Wafaqi Mohtasib historic evolution, we discuss briefly the emergency of Pakistan and the establishment of the various institutions. Pakistan emerged on the world map after a major division in 1947. The British ruled the Indian subcontinent directly from 1857 and eventually decided to leave India after dividing it into two domains of India and Pakistan under the British Commonwealth. Pakistan had inherited weak and strong institutions. However, the institution of bureaucracy and the military were the two renowned and well-disciplined institutions at the time of independence. Civil institutions were inefficient, divided and corrupt. The historical legacy of the British was responsible not though Pakistan's fault because during British times, the civil institution was given limited powers and the British relied heavily on bureaucracy and the military to establish their writ. After Pakistan's independence, bureaucracy emerged as a stronger institution that enjoys many advantages, power and privileges. The government's dependence on bureaucracy had increased its confidence and powers.

A Succinct History of Ombudsman

Till the mid of the 20th century the institution of Ombudsman was confined to the Scandinavian countries; outside of that it was unknown. After passing of fifty years or more it has spread approximately all continents of the world and has acquired extensive acceptability and popularity. Roy Gregory and Philip Giddings in "*Ombudsman in Six Continents*" has given a figure of more than ninety countries having office of the Ombudsman during the 1990s (Roy Gregory & Philip James Giddings 2000). However, in 2004 the Ombudsman office at federal level existed in approximately 120 countries around the world. But according to the International Ombudsman Institute (IOI), the total numbers of the Ombudsman, including regional or local are found around 160 countries. (Parliamentary Ombudsman of Finland, n.d.)

There are different phases in the evolution of the Ombudsman. In the first phase, the institution of the Ombudsman was recognized in two main countries of the

Scandinavian region namely Sweden and its neighbouring Finland. It was 1809 when the Swedish constitution included the office of the Ombudsman as an independent overseer of the administration (Bexelius 1967). Finland took many years to institute it round about in the beginning of the 21st century (Hiden 1968, 31-40). While the second phase begins with the establishment of the Ombudsman in the remaining two Scandinavian states, Denmark (Abraham 19668) and Norway (Means 1968) in 1955 and 1962 respectively. Although proliferation of the Ombudsman in Scandinavian countries has domino effect, but the office of the Ombudsman in entire four countries was different in structure and substance (Orfield 1966, 7-74).

The establishment of the Ombudsman in Scandinavian countries paved way for the establishment of office in Commonwealth Countries. The next countries to establish the office of Ombudsman was New Zealand (Gellhorn 1965) and UK (Wade 1968). In contrast to Scandinavian countries, office of the Ombudsman was now being established in English speaking countries. The development of the office of the Ombudsman in English speaking countries and afterwards this concept reach to far flung regions of the world in coming decades like Asia, North America and East Asia. The third phase begins somewhere at the end of 1970s. In reality some regime transformed to democracy which urged their governments to have an office of the Ombudsman. Hence, the third phase of the Ombudsman coincided with regime transformation in many parts of the world. In South Asia the traditions of the Ombudsman are not much older. Most of the states have been under British colonial rule. The concept of representative government was less known in these countries. The British did not introduce deliberately the concept of representative government. The British had monopoly over all the powers with no supervision or check on their authority. They took all orders from British Crown and were answerable to it. Ombudsman is functioning in the major countries of South Asia. After independence the states of South Asia established the office of the Ombudsman. In Pakistan Ombudsman is working both at the federal and provincial level; on the other hand, the story of India is different, several attempts to install the Ombudsman office at union level have failed but it is found at the states level. In case of Sri Lanka Ombudsman is functioning since 1970s.

The literature on the Ombudsman lends various names used for Ombudsman mostly based on their culture and language. The Ombudsman in the UK is called *Parliamentary Commission for Administration*; similar name is used in New Zealand and Sri Lanka with minor changes. In Hong Kong it is called *Commissioner for Administrative Complaints*. In case of India word *Lokpal and Lokayuktas* is used for national and regional Ombudsman respectively. Pakistanis use Wafaqi Mohtasib (Federal Ombudsman) for centre and *Sobhai Mohtasib* (Provincial Ombudsman) for the provinces. In case of Scandinavian countries, it is *Parliamentary Ombudsman* in Finland, *Parliamentary Commissioner for Administration* in Denmark. In Sweden it is called *Justitie Ombudsman* and in Norway it is called *Parliamentary Commissioner for Civil Administration*. Thus, the Ombudsman who protects the weak against the strong emerged due to needs of the time.

The Origin and Development of the Concept of Ombudsman in Pakistan

The office of the Ombudsman was established in 1983. Although the idea emerged into the scholarly sphere before than that. Toward the end of 1960s, formal endeavours were made to do certain investigations to survey the need and extent of the Ombudsman. The report of West Pakistan government entitled "Toning up of Provincial Government Administration" in 1969 was the main legitimate endeavour (Bokhari 2020). The Pakistan Administrative Staff College stepped up scrutinizing condition in line with the

president representative for organization evaluation; a body worked as a regulator of the officer at the directive of the president of Pakistan. The inception of the investigation was acknowledged among various provinces of Pakistan. The principle of administrative staff college itself remarking on the inception of the investigation commented that “the institution of the Ombudsman in Pakistan if suitably and wisely adapted to our needs and conditions can be a great blessing”. (Bokhari 2020) The other layer of the general public like the lawyers, government worker, teachers, Judges and numerous others concerned groups valued this exceptionally noteworthy initiative. There were some quarters who discouraged and opposed to set up such an institution which could challenge their authority. They rather proposed changes in the bureaucratic structure. However, the study group continued, and its efforts couldn't be undermined by a few and completed a comprehensive study on the Ombudsman.

Followings were the findings of the study group. The study proposed that the organization of the Ombudsman would be an incredible assistance for the people. It thought about that the foundation of the organization would be a channel of the unprivileged individuals to search and review complaints emerging out of the misbehaviours of the chairman. The study further added that ombudsman would be useful for the executive since it would increase their proficiency manifold. The existing procedure for seeking complaints was not very straightforward and modest. It was assumed that the procedure for rectifying grievances would be trouble-free and inexpensive. The National Assembly was one of the current techniques for eliminating the complaints of the individuals. The members of the assembly were performing double functions: making laws and peoples watch dog over executive. This double role had hampered advancement and progress of constitution. The first constitutional assembly of Pakistan performed dual function of legislating along with having a gigantic task of making the first constitution. It was one of the reasons in delaying the first constitution. The study group recommended that the institution of the Ombudsman would lessen the burden of the parliamentarians and it would be in a better position to pay attention to its prime task of making laws for the country.

The recommendation of the study group was a significant step towards the establishment of the Ombudsman office in Pakistan. However, the enthusiasm showed by the study group couldn't be carried on with same spirit. As in case of Britain the Whyatt Committee Report recommended establishment of the Ombudsman but the idea was not become visible by the then government and it was initiated by the next government (Sawer 1962, 220-24). In case of Pakistan although the study recommended the institution of Ombudsman, but it was not implemented into reality. And the institution of the Ombudsman was delayed by the successive government for one more decade.

After the imposition of second martial law in the country the 1962 constitution ended with the end of Ayub Khan as the president of the country. He handed over power to the new Chief Martial Law Administrator General Yahya Khan. He introduced Legal Framework Order (LFO) to run the country. (In paper Magazine 2011) he introduced ombudsman for the first time in legal documents, but no progress was made. (Tai 2009) After taking over, Khan announced to hold first general elections for the national and provincial assemblies of Pakistan on the basis of universal adult franchise at an appropriate time. The country's first national and general elections were held in 1970 amid tension between former East and West Pakistan. Both the main political parties Awami League (AL) and Pakistan Political Party (PPP) fought this election with an election manifesto. Awami League headed by Sheikh Mujibur Rahman, contested elections on pledging maximum provincial autonomy, nationalization of heavy

industries and financial institutions. Pakistan People's Party headed by Zulfikar Ali Bhutto manifesto included introducing office of Ombudsman among others. (Shriram Maheshwari 1974) The election results stunned the West Pakistan's because Awami League won a clear majority not only in the National Assembly but the Provincial Assembly of East Pakistan as well. Pakistan People's Party had clear majority in West Pakistan assembly.

As mentioned earlier PPP included the office of Ombudsman in its manifesto. When Bhutto took as chief executive of truncated country having no running constitution, the country affairs were administered by an interim constitution of 1972. By virtue of article 276 of 1972 interim constitution the institution got constitutional recognition in Pakistan. (Tai 2009) This was a major achievement in the growth and development of the Wafaqi Mohtasib. The institution got at least constitutional recognition although the implementation remained an insubstantial (Bokhari 2020). The implementation of the 1973 constitution was gave further gave growth and development to the office of the Ombudsman in Pakistan.

The 1973 constitution of Pakistan was a consensus constitution because it was accepted and approved by the people of Pakistan through their chosen representative. In this connection constitution provided independence of the judiciary. Apart from this the people were given security against the maladministration of the administrator as well. It was the item number 13 of the federal legislative lists; schedule IV of the 1973 constitution of Pakistan that established the federal Ombudsman to remove grievances of the people against maladministration of the bureaucracy. (Hassan 2006) It was intended it would provide a speedy mechanism to remove the grievances because the court procedure sometimes delayed the decision of the cases.

The above-mentioned article and clauses revealed that there was a will to introduce the office of the Ombudsman to remove grievances of the people and to put bureaucracy under some checks, control and accountability. But the ideas and clauses could not be implemented and remained delayed under one the other pretext. In the presence constitutional clause regarding the introduction of the Ombudsman office, the government introduced some similar mechanism to supervise the activities of the administrator and to remove the grievances of the people. One such institution was the Prime Minister Representative for administrative inspection at federal level. The provincial government of the Punjab also introduced Punjab administrative vigilance office to look after the functioning of the administrator. These institutions worked as "tooth less" tiger and could not achieve the desired results; rather their existence remained until their creator government remained in power.

The above-mentioned facts revealed that if the institution of the Ombudsman would have been introduced according to the constitution clauses the growth and performance of the Ombudsman would have contributed significantly to the state and society of Pakistan. It would have been possible to diagnose and redress the grievances of the people and bring speedy justice to the people of Pakistan. The successive government despite their willingness to introduce were unsuccessful to institute the office of the Ombudsman.

Following were the explanation for delaying the office of Ombudsman in Pakistan. The government instead of implementing the constitutional clauses it introduces certain others administrative reforms. The structure of bureaucracy was reformed, and powers of the administrators were substantially cut. The institution of Prime Minister Representative for Administrative at federal level and Punjab Vigilance Office are the example of these reforms. Following the bifurcation of Pakistan in 1971 and later on many national and international issues diverted the attention of government. The

government had to put its attention towards rebuilding the demoralized, defeated and truncated Pakistan. The testing of the nuclear weapons by India, repatriation of the refugees, recognition of the Bangladesh and starting of nuclear weapons program of Pakistan consumed a lot of energy and time of the government. It had to spend its energies more on planning the security and defence of Pakistan than accountability of the administrator.

The government could not pay proper attention to the long-awaited institution of the Ombudsman. In 1977 army chief Gen Zia-ul-Haq overthrows the civilian government and implemented third time martial law in the country. He ruled almost one decade and introduced certain Islamic laws within the country. He introduced the institution of Ombudsman by the virtue of article 270-A with president order no. 1 “establishment of the office of Wafaqi Mohtasib (Ombudsman)” of 1983. After passing of almost 17 years another military General Pervaiz Musharraf established the office of federal tax Ombudsman with the issuance of the Federal Tax Ombudsman Ordinance, 2000.

Reasons for the Establishment of the Wafaqi Mohtasib

The military dictators in Pakistan have been introducing different institution to secure legitimacy of the people. Ayub Khan introduced Basics Democracies System at the local level to get legitimacy. Its followers Yahya Khan hold first general election on the basis of universal adult franchise. The case of Zia-ul-Haq is very special because during his tenure he introduced many new laws and institution. He used Islam as a tool to secure legitimacy. The underlying reasons in introducing the office of the Ombudsman are discussed below.

The institution of Ombudsman has existed in the ancient Muslim empires and states. During the times of four pious caliphs the institution of Ombudsman existed and even during the prophet Muhammad (PBUH) times there was a mechanism for the accountability of the administrator. Gen Zia-ul-Haq religious and Islamic outlook became the compelling reasons to introduce the office. (Ali Shan Shah Muhammad Waris 2016) Thus, the establishment of institution of the Ombudsman can be linked with the Zia Islamic outlook into the polity of Pakistan. When the office of the Ombudsman was introduced in 1983 the constitution of Pakistan remained suspended due to third time martial law. The parliament was in abeyance due to suspension of the 1973 constitution of Pakistan. In these circumstances where the parliament stood dysfunctional the people needs a mechanism to seek grievances against malpractices of the administrator. These conditions became compelling reasons, in the absence of any genuine demands or pressures on the part of people, to establish the institution of Ombudsman.

The motives behind the establishment of the Ombudsman in the words of office is “We diagnose, investigate, redress and rectify any injustice done to a person through maladministration by federal agencies” (Faruqui 2014). Unlike the British PCA, Wafaqi Mohtasib order of 1983 has defined the word “maladministration”. It includes, “A decision, process, recommendation, act of omission or commission” which “is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bona fide and for valid reasons; or is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or is based on irrelevant grounds; or involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and (ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities” (Office 1983, 5).

Thus, the objective of the Wafaqi Mohtasib is to rectify the grievances of the people arising out of the malpractices of the administrator. If an administrator takes a decision which is contrary to law, regulation then he has committed to the malpractice. Favouritism, bribery nepotism and neglect of duty all comes under the malpractices of the administrator. Legally, the ombudsman is prohibited from investigating matters that are sub judice or related to the defense and foreign affairs of Pakistan.

Appointment and Removal of the Ombudsman

Unlike the British and Scandinavian where the parliament has been given authority to appoint the Ombudsman, in Pakistani Ombudsman is appointed by the head of state. The president of Pakistan is legally bound to appoint the federal Ombudsman. Wafaqi Mohtasib is appointed for a period of four years. (Government of Pakistan 2002) The act does not allow for the reappointment. There is no discrimination on the basis of sex; any person can be appointed the federal Ombudsman. However, until recent time not a single woman has been appointed as an Ombudsman. The act does not enumerate any qualification and disqualification of the Ombudsman. There are certain requirements of the office.(Government of Pakistan 2002) According to the constitution of Pakistan no person can hold two offices simultaneously in the services of Pakistan.

This clause applies on the Ombudsman as well; the Ombudsman is barred to hold any other office of profit in the services of Pakistan. The Wafaqi Mohtasib cannot take any responsibilities in the services of Pakistan at least for a period of two years after its retirement. Any person bearing the identity of Pakistan can be appointed the Ombudsman. The practice however in Pakistan has been that the retired judges from the judiciary of Pakistan has been serving as Ombudsman since the commencement of the office. However, the incumbent, Syed Tahir Shahbaz, is a retired civil bureaucrat. While former law maker Kashmala Tariq is federal ombudsman for women right protection. The Ombudsman has security of its office to perform its functions without any executive interference and cannot be removed during its tenure of four years. He is also entitled to receive handsome salary.

However, the 1983 act has provided the removal of the Ombudsman from its office under definite conditions. The Ombudsman can be removed by its appointing authority on the "Ground of misconduct", if the Ombudsman is indiscipline and is not carrying the work of the office according to its provisions and needs, the president of Pakistan has authority to ask the Ombudsman to cease its work. (Government of Pakistan 2002) Thus, he can be removed before the expiry of four years. Likewise, If the Ombudsman is "incapable of properly performing the duties of his office by reasons of physical or mental incapacity", the president of the Pakistan has authority to remove it from its office. If the Ombudsman became insane or lunatic and is unable to perform responsibilities of the office, the president acting on its discretion removes the incumbent Ombudsman with a fresh appointment.

Jurisdiction and Limitations of the Wafaqi Mohtasib

The whole of Pakistan is under the jurisdiction of the Wafaqi Mohtasib. (Government of Pakistan 2002) It includes four provinces of Pakistan and federal capital Islamabad. Areas under control of federation like (FATA) were excluded with a new presidential notification on 13th August 1984. The influence and control of the Ombudsman extends to federal administrative departments and ministries, office of the federal government or federal commission or legislative bodies, any other institution established that come under the purview of federal government. The courts and some other agencies and institution of the federal government are not included in the jurisdiction of Ombudsman. The official conduct of Pakistan with the comity of the world has not been subject to the Ombudsman investigation.

In the original presidential order these were not mentioned in the act, in the new presidential notification of the 13th August 1984, the armed forces i.e. the army, navy and air force of Pakistan were excluded from the jurisdiction, apart from this the matters related to the “Defence Division”, and “the Defence Production Division” of the military is not the business of the Ombudsman. (Government of Pakistan 2002) This act also stipulated that any department, body, authority or organization controlled directly or indirectly or being managed by the above said divisions of the armed forces of Pakistan has been excluded from Ombudsman jurisdiction. The Supreme Court of Pakistan, the Supreme Judicial Council, and the Federal Shariat Court or a High Court of any province is not subject to the Ombudsman verification.

Complaints and Complaints Handling

Any citizen on a plain paper can write to the Ombudsman regarding maladministration of the administrator and seek remedy without paying any fee. There are no formalities like the courts where the respondent has to seek the help of a legal representative or a lawyer to appear before a judge. In case of Ombudsman, the aggrieved person can write to Ombudsman for rectification of its grievances without help of a lawyer. (Hashmi 2015, p.30)

Ombudsman received complaints from different channels. One of the widely used channels is the aggrieved person itself, secondly any member of parliament can bring into the notice of Ombudsman regarding any maladministration, and thirdly, the president can direct the Ombudsman to look into the matter where maladministration has been observed. Lastly, the Ombudsman has the power of *Suo motu* as well where it can look personally into the matter.

Table I: Medium of Complaints Received

Sr. No	Medium of Complaints Received	Total
1	By post or in person	51,754
2	Online	11289
3	Agencies portal	7852
4	Mobile app	2054
5	Children related	110

Source: Wafaqi Mohtasib Annual Report 2019, p.19 available at. https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report2019.pdf accessed on December 16, 2020.

The time limit between the event of maladministration occurred with the person and complaint to the Ombudsman has been enumerated by the president order of 1983. The complaints should be made within three months counting from the day of maladministration observed by the aggrieved person. The Ombudsman however has the optional powers to accept the complaints in certain circumstances exceeding the time limit of the complaint. Once the ombudsman receives the complaint, it begins its work. Over the years, the largest complaints against power companies were received. Complaints against power companies in 2019 represented 44.3% of all complaints. However, the advent of information technology and the use of the mobile phone has led to the number of complaints received. Every year the complaint charts increase.

Method of Wafaqi Mohtasib in Removing Grievances of the People

Like the entire Ombudsman in the world the Wafaqi Mohtasib also apply a comprehensive method of investigation. Once the Wafaqi Mohtasib receives complaints from any of the above discussed source it starts its process of investigations and finally gives recommendations (see Fig 1). It doesn't acknowledge all the complaints rather some of the applications are rejected at the time of receiving. It has defined its criteria of admitting the complaints. The admissible complaints are resolved

within 60 days. Thus, the Ombudsman doesn't receive, as discussed in the preceding paragraphs, complaints related to the foreign policy, defense, Supreme and High Courts of Pakistan. Apart from this complaint which cannot be called maladministration are not accepted for investigation. Since its establishment Wafaqi Mohtasib has received thousands old the complaints but has rejected thousands at the time of receiving those complaints. Following table indicate the received and rejected complaints from 1983 to the 2019. Appraisal

Figure I: Mechanism of Complaints Implementation.

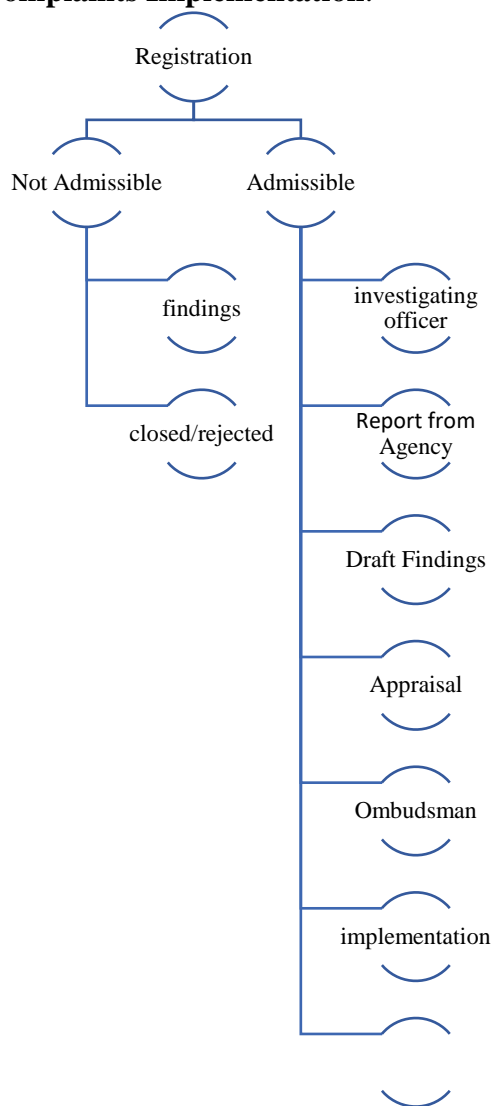


Figure 1: Mechanism of Complaints Implementation

Source; Annual Report 2015, p.13 Available at

https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report_2015.pdf

accessed on 1 December, 2020.

Table II: Received and Rejected Complaints from 1983 to 2019

Year	Received	Rejected
1983	7812	5871
1984	38030	31299
1985	34937	27294
1986	42744	33723
1987	44323	39396
1988	30007	20406
1989	26634	14897
1990	31489	18505

1991	49044	28343
1992	52299	28744
1993	44578	23644
1994	44244	23547
1995	39921	21477
1996	42178	21985
1997	44921	18435
1998	44332	15560
1999	43833	15180
2000	41080	14188
2001	33385	10534
2002	31613	10636
2003	25761	10346
2004	25,327	10,581
2005	15,136	8,867
2006	11,887	8,431
2007	23,290	5,472
2008	23,332	5,753
2009	29700	20809
2010	42161	24473
2011	-	-
2012	-	-
2013	112,966	106,434
2014	79,850	77,311
2015	60,371	55,329
2016	-	-
2017	83,457	83,457
2018	70713	69563
2019	73,059	74869

Sources: Data secured from Wafaqi Mohtasib officials Reports from 1983 to 2019 available at Wafaqi Mohtasib website <https://www.mohtasib.gov.pk/index> accessed in 2020.

Table II discloses that not all received applications are considered for investigation. As discussed above Mohtasib reject received complaints at the very beginning because it doesn't fall under its jurisdiction.

After its acceptance and rejection, the Mohtasib starts its process of investigation. The complaints are referred to the concerned staff of the Wafaqi Mohtasib for investigation. The Mohtasib during its process of investigation can demand any member of concerned department to appear before the Mohtasib for evidence. The discretionary powers of the Mohtasib include pursuing any files or documents of the concerned agency/department for evidences. The concerned staffs after its satisfaction and investigation present its report to the Wafaqi Mohtasib for endorsement. The assessments of the Mohtasib are communicated to the relevant agency/department and relevant personal alleged in the complaints. Following can be the findings of the Mohtasib. The Mohtasib can ask the concerned department/agency to consider the matter further, It can also direct the concerned agency/department to amend or abandon decision or action taken which resulted into maladministration, It can seek further explanation from the agency regarding its actions and decisions, It can recommend disciplinary action against public servant who has been responsible for maladministration, and the Mohtasib can specify certain recommendations to the relevant agency or department, it can also ask about the improving of the working of the agency/ department as well.

Once an investigation has been taken and Mohtasib recommend any one of the above findings, Wafaqi Mohtasib has the authority to monitor the implementation of its recommendation and make certain execution of its recommendation by the concerned agency/ department. However, on the other hand, according to Article 11(2A) of President's Order No. 1 of 1983, the complained agency/department has the right to submit before the Mohtasib for review. (Government of Pakistan 2002) The Mohtasib review and investigate even If the aggrieved parties (including the complainant and complained agency) are not satisfied with the findings of the Mohtasib, under Article 32 of P.O.No 1 of 1983, they are endowed with opportunity to file petition to the president of Pakistan called "representation against findings". (Government of Pakistan 2002) The President of Pakistan has played an active role in removing the grievances of the people. If any of agencies has not compliances with the decision or recommendation of the Mohtasib it has committed the "defiance of recommendations" (Government of Pakistan 2002).

Table III: Table shows the Number of Representation Filed and the President Gave it Decision on the Request of the Aggrieved.

Explanation	2004	2005	2006	2007
Representation Filed	1081	698	192	423
Total Decisions Received	845	--	---	188

Sources: Wafaqi Mohtasib (Ombudsman) Of Pakistan Annual Report 2008, available at https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report_2008.pdf accessed on 13 November, 2018

The above table shows that in 2004, 1018 representation were, which was 5% of the total complained in the said year, were filed to the president because the complained agency and aggrieved person were not satisfied with the findings of the Mohtasib. However, in the year of 2005 the number of representations filed to the president stood at 698 (6.5%) slightly higher than the previous year. The Mohtasib has received different kinds of complaints. Following are some of the examples of nature of maladministration in Pakistan are: Delay in response, Neglect of duties, Inefficient in working, Bias Action Contrary to Law, Corrupt Motives, Administrative Excesses, Discrimination, And Arbitrary Decision and Lack of Concentration.

Mal-Administration and Major Agencies of Pakistan in 2018 and 2019

Although there are many private agencies and organization working in Pakistan but there are many governmental agencies and organizations providing both services and relief to the people of Pakistan. There are many agencies in Pakistan working under the supervision of government. Some of them are identified as follows.

Table IV: Major Agencies and Complaints against them

Sr. No	Name of Agency	Receipts 2018	Disposed 2018	Receipts 2019	Disposed 2019
1	LESCO	14011	15021	9932	10057
2	SNGPL	3790	3513	6589	6228
3	K-Electric	8718	9557	6207	6144
4	PESCO	2817	2706	4404	4011
5	NADRA	5023	5297	3948	4115
6	HESCO	3902	4354	3341	3258
7	Pakistan Post	8878	5329	3321	5944
8	MEPCO	2925	2950	2621	2560
9	SEPCO	2240	1973	2138	2375
10	FESCO	1130	904	1674	1771

Wafaqi Mohtasib Annual Report 2019, p.19 available at.

https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report2019.pdf
accessed on December 16, 2020, p.42

Table V: Major Agencies Providing Basis Services

Sr. No	Major Agencies Providing Basis Services
1	State Life Insurance company of Pakistan (SLIC)
2	Pakistan Post
3	Allama Iqbal University Islamabad (AIU)
4	National Database and Registration Authority (NADRA)
5	Pakistan Tele-communication Limited (PTCL)
6	Sui Southern Gas Pipeline (SSGCL)
7	Sui Northern Gas Pipeline (SNGPL)
8	Pakistan Electric Powers Company Organization (PEPCO)
9	Water and Power Development Authority (WAPDA)
10	Pass-Port Office
11	Pakistan Railways
12	Pakistan International Air Lines (PIA)

Wafaqi Mohtasib Annual Report 2019, p.19 available at.

https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report2019.pdf
accessed on December 16, 2020

These agencies are providing basic services in various sectors. WAPDA and SSGCL and SNGPL are one of the very important agencies providing services of electricity and gas respectively to the people. People have maximum interaction with these agencies. PTCL has maximum client and provide services in telecommunication. NADRA is another important agency in Pakistan issuing identity card to the citizens. Pakistan Railway is another important agency in Pakistan. So, in the annual reports the complaints above said agencies are always at top of the list involved in maladministration. The Wafaqi Mohtasib has received a lot of complaints regarding the above said agencies between 2004 and 2007.

Table VI: Major Agencies and Volume of Complaint against Them between 2004 and 2007

Sr. No	Major agencies	2004	2005	2006	2007
1	WAPDA/PEPCO	9,253	2,181	508	10,179
2	SNGPL/SSGCL	832	196	65	1,253
3	PTCL	1,227	1,015	708	1,190
4	AIU	342	353	317	683
5	NADRA	370	394	270	435
6	PAKISTAN POST	142	182	173	351
7	SLIC	216	210	200	242

Source: Sources: Wafaqi Mohtasib (Ombudsman) Of Pakistan Annual Report 2008, available at https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report_2008.pdf accessed on 13 November 2018

The table shows major agencies in Pakistan and volume of complaint against them. It is evident from the table that the huge volumes of complaint are filed against WAPDA. In the year of 2004 and 2008 more than 9000 complaints have been registered against WAPDA. However, in 2007(10,179) highest complaint were filed from 2004 to 2008. Wafaqi Mohtasib received lowest complaint against WAPDA in 2006; only 508 were registered. The major causes of complaint against WAPDA were wrong billing, delay in connection and delay in replacement of effective meter and installation of new poles and transformer. According to the Wafaqi Mohtasib report of 2008, SNGPL and PTCL are at second place. Wafaqi Mohtasib received SNGPL/ SSGCL (1,794) and PTCL

(1,154) complaints in the year of 2008 as compared to AIOU where 894 complaints were received by Mohtasib in the same year. NADRA, PAKISTAN POST and others have minimum complaints as compared to the above said agencies in the year of 2008.

Table VII: Major Agencies and Volume of Complaint against Them in 2017

Sr. No	Name of Agency	Receipt	Disposal
1	Lahore Electric Supply Company (LESCO)	21,089	18,978
2	K-Electric	15,635	15,248
3	Peshawar Electric Supply Company (PESCO)	4,785	4,714
4	Hyderabad Electric Supply Company (HESCO)	4,945	4,279
5	Multan Electric Power Company (MEPCO)	4,026	3,708
6	Sukkur Electric Power Company (SEPCO)	1,670	1,560
7	Faisalabad Electric Supply Company (FESCO)	1,060	984
8	Islamabad Electric Supply Company (IESCO)	1,030	988
9	Gujranwala Electric Power Company (GEPCO)	1,049	959
10	Total	55,289	51,418

Wafaqi Mohtasib Annual report 2017 available at

https://www.mohtasib.gov.pk/SiteImage/Downloads/Annual%20Reports/annual_report_2017.pdf

accessed on 21 November, 2020 pp.20-22

During the year 2017, in total 83,457 complaints were received, out of which 78,560 were disposed of. Out of these, 55,289 complaints related to the power distribution companies and 4,571 pertained to gas companies.

Conclusion

The office of the Ombudsman has played significant role since its establishment. An appraisal of performance shows a considerable achievement. The most significant achievement of the Mohtasib has been it has provided inexpensive and speedy justice to the aggrieved person on the other has it can be regarded as poor man's court in Pakistan. It is being considered that it has revived the concept of administrative accountability in Pakistan. The concept of administrative accountability is not only a modern concept but most importantly it is an Islamic obligation as well. In addition, the institution of the Ombudsman has been very useful check on the administrator and has controlled the unrestrained behaviour of the bureaucracy. Bureaucracy once disinterested to the wishes and wills of the people kept a huge gap with the people. Now it has become responsive to the popular aspiration and Mohtasib has helped in bridging the gap between the ruled and the ruler. It has not only made bureaucracy responsive to the people, but the administrators are now more cautious than ever knowing a check on their authority and powers. They exercise their authority with utmost care. They know that there is an authority who can question them on their acts of omission and commission. The citizens on the other hand have the guarantee that if an agency/department of official perpetrated maladministration they can, or an officer continues to be obdurate and inaccessible, they can go to the Mohtasib with their problem and get relief.

As a democratic instrument of Federal Government, it has helped improve administrative processes and procedures in line with modern day's requirements, which have gone a long way in reducing Red-tapism and misuse of discretionary powers by the bureaucracy. The bulk of received application every year shows the people confidence in the institution. It has been very much successful in reducing delay, Red-tapism, maladministration, favouritism with in the bureaucratic set up of Pakistan. The all-out support extended to the institution by the press and the general public and the decision in principle to extend the scope of accountability at the provincial level, testifies the success story of the institution and the increasing confidence reposed in it.

Bibliography

- Abraham, Henry J. "The Danish Ombudsman." *The Annals of the American Academy of Political and Social Science* 377 (19668): 55-61.
- Ali Shan Shah Muhammad Waris, Abdul Basit. 2016. "Islamization in Pakistan: A Critical Analysis of Zia's Regime." *Global Regional Review (GRR)* 1 (1).
- Bexelius, Alfred. "The Swedish Ombudsman." *The University of Toronto Law Journal* 17, no. 1 (1967): 170-176.
- Bokhari, S. A. *www.policy.hu*. 2020. http://www.policy.hu/bokhari/ombud_pak.htm (accessed 01 15, 2020).
- Faruqi, M. Salman. *Federal Ombudsman of Pakistan. ANNUAL REPORT*, Islamabad: Federal Ombudsman of Pakistan, 2014.
- Frank, Bernard. "The Ombudsman and Human Rights." *Administrative Law Review* 22, no. 3 (1970): 467-492.
- Gellhorn, Walter. "The Ombudsman in New Zealand." *California Law Review* 53, no. 5 (1965): 1155-211.
- Government of Pakistan. 2002. *OFFICE OF WAFaqI MOHTASIB (OMBUDSMAN) ORDER, 1983 (Amended and Updated Vide Ordinance No. LXXII of 2002)*. Pakistan.
- Hashmi, Syeda Viquar-un-nisa. 2015. "Extending Outreach of Alternative Dispute Resolution (Adr) Mechanism for Ombudsman (Especially Wafaqi Mohtasib)."
- Hassan, Farooq. 2006. "Pakistan's Federal Structure and the Constitution of 1973." *The Muslim World* 96 (2).
- InpaperMagazine. 2011. "Election 1970: Polls in Full Swing." *The Dawn*, 2011.
- Hashmi, Syeda Viquar-un- Nisa. *Extending Outreach of Alternative Dispute Resolution (Adr) Mechanism for Ombudsman (Especially Wafaqi Mohtasib)*. Machanism or Ombudsman, Islamabad: Wafaqi Mohtasub, 2015.
- Hiden, mikael J. V. "Finland's Defenders of the Law 377." *The Annals of the American Academ of political ans Social Science*, 1968: 31-40.
- Khan, Abdul Basit. "The Institution of Ombudsman." *The Institution of Ombudsman*. Islamabd: The Nation, 2016.
- M. Mezzera, S. Aftab & S. Yosuf. *Devolution row: An assessment of Pakistan's 2001 Local Government Ordinance*. Report on Ordinance, Islamabad: In Conflict Research Unit Netherlands Institute for International Relations 'Clingendae, 2010.
- Means, Ingunn N. "The Norwegian Ombudsman." *The Western Political Quarterly* 21, no. 4 (1968): 624-50 21, no. 4 (1968): 624-650.
- Moonis Ahmar. 2020. "How 1970 Elections Led to the Break-Up." *Express Tribune*, 2020.
- Office, President. "OFFICE OF WAFaqI MOHTASIB (OMBUDSMAN) ORDER, 1983." Wafaqi Mohtasub (Omusdman), 1983.
- Orfield, Lester B. "The Scandinavian Ombudsman." *Administrative Law Review* 19, no. 1 (1966): 7-74.
- Roy Gregory & Philip James Giddings. *Righting wrongs: The ombudsman in six continents*. Amsterdam; Tokyo; Washington, DC: Ohmsha; IOS Press, 2000.
- Sawer, Geoffrey. "The Citizen and the Administration. A Report by "Justice"." *The Modern Law Review* 25, no. 2 (1962): 220-24.
- Shahbaz, Syed Tahir. *Annual Report 2019*. Wafaqi Mohtasib (Ombudman), Islamabad : Wafaqi Mohtasib Pakistan , 2019.
- Ali Shan Shah Muhammad Waris, Abdul Basit. 2016. "Islamization in Pakistan: A Critical Analysis of Zia's Regime." *Global Regional Review (GRR)* 1 (1).
- Government of Pakistan. 2002. *OFFICE OF WAFaqI MOHTASIB (OMBUDSMAN)*

- ORDER, 1983 (Amended and Updated Vide Ordinance No. LXXII of 2002).*
Pakistan.
- Hashmi, Syeda Viquar-un-nisa. 2015. ““Extending Outreach of Alternative Dispute Resolution (Adr) Mechanism for Ombudsman (Especially Wafaqi Mohtasib).””
- Hassan, Farooq. 2006. “Pakistan’s Federal Structure and the Constitution of 1973.” *The Muslim World* 96 (2).
- InpaperMagazine. 2011. “Election 1970: Polls in Full Swing.” *The Dawn*, 2011.
- Moonis Ahmar. 2020. “How 1970 Elections Led to the Break-Up.” *Express Tribune*, 2020.
- Parliamentary Ombudsman of Finland. n.d. “International Cooperation.” Office of the Parliamentary Ombudsman.
https://www.oikeusasiamies.fi/en_GB/web/guest/the-institution-of-the-ombudsman-in-other-countries-#:~:text=According to the International Ombudsman Institute %28IOI%29%2C there,of countries that do not have parliamentary ombudsmen.
- Shriram Maheshwari. 1974. “ADMINISTRATIVE REFORMS IN PAKISTAN.” *The Indian Journal of Political Science* 35 (2).
- Tai, Alice. 2009. “Diversity of Ombudsmen in Asia,” 2–9.
- Wade, H.W. R. "The British Ombudsman." *Administrative Law Review* 20, no. 3 (1968): 409-412.