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### **What is an Agency?**

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“Agency” means a Department, Commission or office of the Provincial Government or a statutory corporation or other institution established or controlled by the Provincial Government but does not include the High Court and courts working under the supervision and control of the High Court, and the Provincial Assemblies.

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What is ‘Maladministration’? Top

‘Maladministration’ includes

i) a decision, process, recommendation, act or omission or commission which:-

a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons; or

b) is perverse, arbitrary or unreasonable, unjust biased, oppressive, or discriminatory ; or

c) is based on irrelevant grounds ; or

d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and

ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities;

What is the Jurisdiction, functions and power of the Ombudsman? Top

(1) The Ombudsman may on a complaint by any aggrieved person, on a reference by the Government or the Provincial Assembly, or on a motion of the Supreme Court or the High Court

made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of maladministration on the part of any Agency or any of its officers or employees:

Provided that the Ombudsman shall not have any jurisdiction to investigate or inquire into any matters which:-

(a) are subjudice before a Court of competent jurisdiction on the date of the receipt of a complaint, reference or motion by him or

(b) relate to the external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or Government; or

(c) relate to, or are connected with, the defence of Pakistan or any part thereof, the Military, Naval and Air Forces of Pakistan, or the matters covered by the laws relating to those forces.

(2) Notwithstanding anything contained in subsection (1), the Ombudsman shall not entertain for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working, in respect of any personal grievance relating to his service therein.

(3) For carrying out the objectives of this Act and, in particular for ascertaining the root causes of corrupt practices and injustice, the Ombudsman may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.

Does the complainant have to appear in person during investigation of complaint? Top

No. The law permits a complainant to be represented by someone but the representative must have a written authorization for this purpose. Even otherwise the complainants are not required to be present on each date of hearing. Only at the time of joint hearing are the complainants required to be present, for which notice is issued to them.

How long does a complaint take to decide? Top

All possible efforts are being made to undertake and complete the investigation without undue delay. The Office monitors performance targets for different Investigating Officers. It takes a maximum period of about four months to complete investigation (with some complex cases excepted) but many complaints are disposed of much earlier.

By whom can complaints be lodged in the office? Top

Any person aggrieved of maladministration committed by an Agency of the Punjab Government (Exceptions are mentioned separately in answer to the next question) can lodge a complaint. In addition, the Ombudsman undertakes investigation on a reference by the Government or the Provincial Assembly, or on a motion of the Supreme Court or the High Court made during the course of any proceedings before it, or of his own motion into any allegation of maladministration of an Agency or any of its officers or employees.

Against which Departments can the Ombudsman Punjab entertain complaints? Top

The Ombudsman can entertain complaints against an Agency which means a Department, Commission or office of the Government of the Punjab or a statutory corporation or other institutions established or controlled by it but DOES NOT include:

- – the High Court and courts working under the supervision and control of the High Court, and the Provincial Assembly of the Punjab and its Secretariat. (Section 2 of Act X. 1997).

Is the ombudsman having the same powers as the High Court has to punish for its contempt?

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(1) The Ombudsman shall have the same powers, mutatis mutandis, as the High Court has to punish any person for its contempt who:-

(a) abuses, interferes with, impedes, imperils, or obstructs the process of the Ombudsman in any way or disobeys any order of the Ombudsman;

(b) scandalises the Ombudsman or otherwise does anything which tends to bring the Ombudsman, his staff or nominees or any person authorised by the Ombudsman in relation to his office, into hatred, ridicule or contempt.

(c) does anything which tends to prejudice the determination of a matter pending before the Ombudsman; or

(d) does any other thing which, by any other law, constitutes contempt of Court. Provided that fair comments made in good faith and in public interest on the working of the Ombudsman or any of his staff, or on the final report of the Ombudsman after the completion of the investigation shall not constitute contempt of the Ombudsman or his Office.

(2) any person sentenced under subsection (1) may, notwithstanding anything herein contained, within thirty days on the passing of the order, appeal to the High Court.

Can a govt. servant also approach the office of the Ombudsman for redressal of his grievances against his own or any other Department? Top

A government servant can also approach the office of the Ombudsman for redressal of his grievances against his own or any other department. However, this Office cannot entertain complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working, in respect of any personal grievance relating to his service therein. The process of recruitment and recommendation for appointment, if involves maladministration, can also be challenged.

Will the Provincial Ombudsman investigate anonymous complaints? Top

No. The Provincial Ombudsman does not undertake an investigation into anonymous or pseudonymous complaints.

Can someone else make a complaint on my behalf? Top

No. The complaint must be made by the aggrieved person himself/herself.

How much does it cost to make a complaint?Top

The Provincial Ombudsman services are free.

How can I make a complaint?Top

Complaints can be made to our head office, regional offices and district offices:

1. In person
2. By Post
3. By email
4. Online on our website
5. By Fax

Complaints can be made in English or Urdu.

What should I include in my complaint?      Top

Keep it simple and stick to the facts. Be as specific as possible about dates, names and other important details. There should be enough information for the Provincial Ombudsman to understand the circumstances of your complaint and decide how to deal with it. When writing your complaint, think about:

- a)     What happened?
- b)     Where did the events take place?
- c)     When (time and date)?
- d)     Who was involved? Names, designations of officers or staff
- e)     Do you have any documents which may be relevant? If so, you may want to supply copies with your complaint.
- f)     Have you taken any action already in relation to your complaint? What happened?
- g)     What action or outcome would you like to see as a result of your complaint?

What happens after I make a complaint?      Top

All complaints made to the Provincial Ombudsman are first screened to see if they fall within our jurisdiction. If not, the complainant will be informed of the reasons why the Provincial Ombudsman will not handle his complaint. If the complaint falls within our jurisdiction, we will process it as per our defined procedures.

What happens next?      Top

If the Provincial Ombudsman admits your complaint, an investigation is initiated. You and the agency complained against will both be given equal opportunities to present your side of the story. After this investigation is completed, the Provincial Ombudsman gives his decision on the complaint. If he finds the agency has treated you fairly and in accordance with law, he will deny your request. In case he finds the agency guilty of maladministration, he will send his recommendations to the agency, specifying action to be taken within a defined time period.

What can I expect from the Provincial Ombudsman?      Top

We aim to redress grievances as fairly and quickly as possible and to deal with the complainant respectfully.

Who can file a complaint?

Complaint can only be filed by an aggrieved person. Top

How can complaints be filed before the Ombudsman?      Top

Complaint on a plain paper supported by an affidavit along with copy of the National Identity Card may be presented either personally in the office of the Registrar at the Head Office or in any District Office depending upon the district to which the complainant belongs. The complaint can also be sent by post, Fax or E-mail.

What types of complaints are not entertained?      Top

The Ombudsman does not have jurisdiction to investigate or enquire into matters which: - are subjudice before a court of competent jurisdiction on the date of the receipt of a complaint, reference or motion by him; or - relate to the external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or government; or - relate to, or are connected with, the defence of Pakistan or any part thereof, the Military, Naval, and Air Forces of Pakistan or the matters covered by the laws relating to those Forces. Similarly, the Ombudsman does not entertain any complaint by or on behalf of a public servant or functionary concerning any matters relating to his service therein.

What types of complaints are entertained? [Top](#)

All complaints of maladministration defined in Section 2(2) of the Punjab Office of the Ombudsman Act, 1997 can be filed. The definition of maladministration is reproduced below: -  
i) a decision, process, recommendation, act or omission or commission which:- a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons; or b) is perverse, arbitrary or unreasonable, unjust biased, oppressive, or discriminatory ; or c) is based on irrelevant grounds ; or d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.

Does a complaint filed in the Office of the Ombudsman cost anything? [Top](#)

There is no cost to a complainant either for filing a complaint before the Ombudsman or during its investigation. The complaint can be made on a simple piece of paper. There are no charges for providing a copy of the findings of the Ombudsman order.

Can an aggrieved person approach the Ombudsman even if a similar complaint has already been decided by some other court or is still pending adjudication before a court?[Top](#)

The aggrieved person cannot approach the office the Ombudsman for redressal of any grievance in respect of which suit/plea is pending adjudication in any court of competent jurisdiction. The complaint which has already been adjudicated by a competent court cannot be entertained by this Office.

Does the complainant have to appear in person during Investigation of complaint? [Top](#)

No. The law permits a complainant to be represented by someone but the representative must have a written authorization for this purpose. Only at the time of joint hearing, complainants are required to be present, for which notice is issued to them.

How long does a complaint take to decide? [Top](#)

All possible efforts are being made to undertake and complete the investigation without undue delay. The Office monitors performance targets for different Investigating Officers. It takes a maximum period of about six months to complete investigation (with some complex cases, excepted) but many complaints are disposed of much earlier.

Against which Departments can the Ombudsman Punjab entertain complaints? [Top](#)

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Is it mandatory to first approach higher officers of the Department /Agency concerned for redress of grievances prior to filing a complaint before the Ombudsman? Top

It is not mandatory to first approach the higher officers of the Department/Agency to seek redress of grievance of maladministration. It is for the aggrieved person to decide, in which order he wants to take up his grievance for redressal.

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What type of evidence is required to prove the allegation contained in the complaint? Top

The parties to the complaint can produce before the Investigating Officer: - documentary evidence duly attested. - Affidavit by the witnesses duly attested.

Does the Ombudsman deal individually with each case? Top

A number of investigating officers are working in the Head Office and in District offices who assist the Ombudsman in the investigation of complaints and submit their findings. The Ombudsman then considers in detail facts of the case, relevant record and the assertions of the parties. He may give personal hearing to the parties to hear their point of view, if so required, and then passes the final orders.

What is the Complaint Handling Procedure?Top

The following procedure is followed in handling the complaints: - the day-to-day working of the Office, does not invoke strict/orthodox procedural and legal formalities. - A complainant can file his complaint either by post/e-mail or in person as per his/her convenience. - The format of the complaint is not strictly laid down. - It is normally registered on the day of its receipt and notice issued to the agency for submission of a report. - There is no court fee. Likewise the appearance of counsels is also not required although the complainant has the right of being represented. - A complaint is required to comprise the following: The complaint on plain paper Copy of the C.N.I.C. An affidavit on a plain paper regarding the veracity of the contents and the matter of complaint not being subjudice. Registration is not refused to incomplete complaints. The complainants are advised/approached to arrange the required documents. In case of any difficulty, the complainants have free access to the Hon'ble Ombudsman, the Secretary, Investigating Officers etc.



What legal remedy is available to a person aggrieved by a decision of the Ombudsman? [Top](#)  
Section 32 of the Act provides that representation to the Governor can be filed against the decision or order of the Ombudsman. This representation has to be filed within 30 days of the decision or order.

Is there any fee? [Top](#)

No fee is received on any account from the persons who file complaints in this office. mbly of the Punjab and its Secretariat.

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‘Maladministration’ includes

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Provided that the Ombudsman shall not have any jurisdiction to investigate or inquire into any matters which:-

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- (2) Notwithstanding anything contained in subsection (1), the Ombudsman shall not entertain for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working, in respect of any personal grievance relating to his service therein.
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### **Does the Ombudsman deal individually with each case?**

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A number of investigating officers are working in the Head Office and in District offices who assist the Ombudsman in the investigation of complaints and submit their findings. The Ombudsman then considers in detail facts of the case, relevant record and the assertions of the parties. He may give personal hearing to the parties to hear their point of view, if so required, and then passes the final orders.

### **What is the Complaint Handling Procedure?**

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The following procedure is followed in handling the complaints: - the day-to-day working of the Office, does not invoke strict/orthodox procedural and legal formalities. - A complainant can file his complaint either by post/e-mail or in person as per his/her convenience. - The format of the complaint is not strictly laid down. - It is normally registered on the day of its receipt and notice issued to the agency for submission of a report. - There is no court fee. Likewise the appearance of counsels is also not required although the complainant has the right of being represented. - A complaint is required to comprise the following: The complaint on plain paper Copy of the C.N.I.C. An affidavit on a plain paper regarding the veracity of the contents and the matter of complaint not being subjudice. Registration is not refused to incomplete complaints. The complainants are advised/approached to arrange the required documents. In case of any difficulty, the complainants have free access to the Hon'ble Ombudsman, the Secretary, Investigating Officers etc.

### **What legal remedy is available to a person aggrieved by a decision of the Ombudsman?**

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Section 32 of the Act provides that representation to the Governor can be filed against the decision or order of the Ombudsman. This representation has to be filed within 30 days of the decision or order.

### **Is there any fee?**

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No fee is received on any account from the persons who file complaints in this office.