

Subject: **SIMPLIFICATION OF PROCEDURE FOR SPEEDY RELIEF.**

The Office of the Federal Ombudsman was established under President's Order No.1 of 1983 for diagnosing, investigation, re-dressal and rectification of any injustice done to a person through mal-administration. Conduct of investigation and disposal of complaints is regulated under "Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2003".

2. A number of initiatives have been taken to simplify the procedure for speedy relief. One of the factors contributing to delay in finalisation of recommendations was the lack of quick response from the Agencies. The Investigating Officer would be sending reminders requesting the Agency to submit its rejoinder to the complainant. Mostly, these reminders went unheeded. The regulations now envisage a pro-active role for the Investigating Officer.

3. To address this issue changes have been made in the regulations. According to the new changes, if the Agency contests the allegations made by the complainant different options have been provided to proceed further. In the first instance where the Investigating Officer is of the opinion after receiving the report of the Agency that the complaint can be resolved on the basis of available record, he will send the report to the complainant to submit his rejoinder or appear in person within fifteen days on the date and time specified by the Investigating Officer. He may further give a reminder to the complainant after which he is obliged to dispose of the case on the basis of available record. In all other cases, the Investigating Officer will send a notice to the Agency for deputing the officer to appear before him within fifteen days. A copy of the notice is also to be sent to the complainant along with the report of the Agency requiring him either to send his rejoinder or to appear before the Investigating Officer along with the rejoinder on the said date. Further recommendations are to be firmed up after hearing both the parties.

4. Additionally, in case of failure of the officer to appear before the Investigating Officer on the due date, the Investigating Officer will request the Federal Ombudsman for delegation of powers of a Civil Court to compel attendance and production of documents. These powers are delegated by the Federal Ombudsman on a case to case basis so that they are exercised only in cases where they are necessary. The purpose is to persuade the Agencies to provide legitimate relief to the complainant without use of coercive measures.

5. The Presidential Order establishing the Office of the Ombudsman allows the Agencies to file reconsideration petitions showing the reasons regarding their inability to comply with the recommendations. Earlier, a copy of the reconsideration petition was to be supplied to the complainant for a response after which the Investigating officer would examine the reasons given by the Agency and submit the case to the Federal Ombudsman for orders. Now the Investigating Officer is required to issue a notice to the Agency to depute an officer within fifteen days for a hearing. A copy of the notice is also to be sent to the complainant to appear on the said date or send his rejoinder. After the hearing the Investigating Officer will submit his recommendations to the Federal Ombudsman for orders.

6. Under the old Regulations, the complainant was entitled to move a non-compliance petition where the recommendations of the Federal Ombudsman have neither been modified, recalled or set aside in an appeal to the President. On receipt of the non-compliance petition, the Investigating Officer would process and investigate the case in accordance with the procedure laid down for processing and investigation of complaint. It was felt that another investigation into the matter once detailed findings have been given on the issue was superfluous. In view of this, changes have been made. The new regulation now enable the Investigating Officer to take up the matter with the Agency where non-compliance of recommendations has been found instead of initiating a process of investigation. The Investigating Officer reminds the

Agency about the non-implemented recommendations and requests for implementing the same. Failure to implement them results in initiations of the proceedings of defiance of recommendations, which eventually calls for a reference in the matter of the President in case of non-compliance.

7. To speed up finalisation of investigation of complaints the draft findings are now to be submitted to the Mohtasib within fifteen days after completion of investigation. The old regulations did not lay down a time frame for the submission of recommendations, which led to delay.

8. The afore mentioned changes have been put in place since July 2007. The Federal Ombudsman Institution will review the progress in the first quarter of 2008 to determine whether they have helped in providing speedy relief to the aggrieved persons and what has to be done further to meet the objective of speedy disposal.