

# IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 702-11-2020

Sharafat Ali Zia  
Vs  
Federal Ombudsman Secretariat

Date: 02/03/2021

Fawad Malik: Information Commissioner

## A. APPEAL.

1. The brief facts of the appeal are that Mr. Sharafat Ali Zia filed an application addressed to the Secretary, Federal Ombudsman Secretariat, Islamabad under the Right of Access to Information Act 2017, for the provision of the following information:-
  - i. *“Head Office / Regional Office-wise and year-wise total No. Of complaints received from the complaints; admitted / registered for investigation and decided in the years 2017-19.*
  - ii. *Head office / Regional Office-wise and year-wise No. Of complaints out of the total No. Of complaints mentioned at {i} above, in which relief (total or partial) requested by the complaints was provided during the year 2017-19;*
  - iii. *Head office / Regional Office-wise and year-wise No. Of complaints out of the total No. Of complaints mentioned at {i} above that {a} rejected on technical grounds {b} closed for any other reasons, without providing the relief sought for by the complainants during the years 2017-19; and*
  - iv. *Head office / Regional Office-wise and year-wise No. Of complaints out of the total No. Of complaints mentioned at {i} above that were not decided for any reason in the year they were received {during 2017-19 and were carried forwarded to the next year(s) as un-decided ones.*
2. The appellant alleges that the requested information was not provided within the stipulated timeframe provided in the Act, therefore feeling aggrieved filed appeal before the Pakistan Information Commission for the provision of the above mentioned information and record.

## B. PROCEEDINGS:

3. The Commission vide letter dated 20.11.2020, directed the Secretary, Federal Ombudsman Secretariat to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The written reply submitted by the Director General (Coordination), Wafaqi Mohtasib (Ombudsman)’s Secretariat reads as follows:-

2. *This office would like to inform that the intent of seeking the information by Mr. Sharafat Ali Zia is not clear. If it is required for the purpose of any academic*

research/thesis, the same needs to be mentioned in clear terms. Mere statistics will not depict, by any measure of precision, the true picture of the efficiency and efficacy of this office in resolving public complaints. Instead, the whole gamut of activities of the Wafaqi Mohtasib Secretariat (WMS) will have to be taken into consideration for the purpose.

3. *“The official website ([www.mohtasib.gov.pk](http://www.mohtasib.gov.pk)) of the WMS and its annual reports available on the website comprehensively provide information with regard to **such relief as well as other** activities of the WMS both in quantitative and qualitative terms. The progress on receipt and disposal of complaints during the year 2017-19 pertaining to the Head Office and Regional Offices of the WMS (As requested by Mr. Zia) is duly elaborated (alongwith statistical tables) and analyzed in the chapters “Receipts and disposal of Complaints” and “Year in Review” of the reports of the respective years. As for the undecided complaints carried forwarded to the next year, it is clarified that some of the complaints received in the months of November & December each year are, at times, carried forward to the next year as the Agencies concerned take time in redressed of complaints and submission of reports to this office within the statutory time limit for disposal of complaints which is 60 days. In other words, the complaints registered in November and December are required to be disposed of by the end of January & February, respectively, next year. However, almost all complaints were disposed of within the given timeframe of 60 days barring a few which took more time due to various constraints such as COVID-19 which inhibited the normal operational activities of the Agencies concerned and those of this office.*
4. *Apart from the above, it may be noted that a large number of complaints cannot be accepted for processing due to jurisdictional exclusions such as sub-judice, defence, external affairs, provincial matters and complaints 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. Similarly, investigation in a number of cases is closed due to variety of reasons such as failure of the complainant to follow the prescribed procedure and completion of the required formalities, non-prosecution, complaint being out of purview of the P.O No.1 of 1983, time-barred cases, **withdrawal of complaint by the complainant for any reason**; and if the complaint involves examination of witnesses, detailed interpretation of laws, rules, regulations or different clauses of contracts and their interse relationship, where the facts of the case are disputed by the parties and to establish the correct position required a detailed examination of both documentary and oral evidence and its assessment for which the proper forum is a court of competent jurisdiction and not the WMS.*
5. *Notwithstanding the position enunciated above, it may be stated that out of the total 224080 complaints received during the years 2017-19, the Wafaqi Mohtasib has provided relief in 122393 complaints whereas investigation was closed in 45719 cases for the reasons described in the preceding paragraph. Besides, after due investigation, a total of only 7375 complaints were rejected for being devoid of merit, during the period under report. However, a total of 48593 complaints were rejected in limine for not being legally admissible. The implementation percentage of the findings of the Wafaqi Mohtasib hovered around 97% during these years.*
6. *As for the other activities of the WMS, aimed at addressing the root causes of president complaints against various Agencies to carry out systemic reforms with a view to improving governance and to provide inexpensive and expenditures relief to the public at large, it may be informed that the Wafaqi Mohtasib constituted committees of experts who prepared 28 reports which were forwarded to the government for implementation. A number of initiatives were also taken to facilitate pensioners, overseas Pakistanis and inmates of prisons throughout Pakistan. All these details are also available in the Annual Reports and available on the website of the WMS.*

7. The reply and information through letter dated 2.12.2020 provided by the respondent was shared with the appellant but he through his letter dated 06.01.2021, addressed to the Commission conveyed his dissatisfaction with the information. The relevant part is reproduced as under;

*“The information contained in the said letter of the Public Body is not the one specifically requested in my application dated 10<sup>th</sup> June 2020 {copy already provided with the subject appeal} though the same could possibly be managed by them [Wafaqi Mohtasib Secretariat] after consuming over six months’ time by now. Their reply, being unsatisfactory, request for the specific information needed by the applicant is re-iterated, please.*

8. The appeal was fixed for hearing before the Commission on 17.2.2021. Mr. M. Ashfaq Ahmad, D.G, appeared before the Commission to represent the secretariat of the respondent public body.

#### C. COMMISSION’S VIEW.

9. The appellant through his application has requested the information related to the complaints received by the Wafaqi Mohtasib (Ombudsman) Secretariat. The appellant desires the details vis-à-vis the year wise registration and disposal of complaints in the years 2017-19. He further asked for the details of complaints in which relief was provided, that were rejected on technical grounds or closed for other reasons without providing the relief and that were not decided for any reason in the year they were received and were carried forward to the next year.
10. The public body has apprised the Commission that the official website link ([www.mohtasib.gov.pk](http://www.mohtasib.gov.pk)) of Wafaqi Mohtasib Secretariat and its annual report available on the website comprehensively provide information with regard to the queries in quantitative and qualitative footings. The details of receiving and disposal of complaints for the years 2017-19 in the head office and regional offices are available along with statistical tables in the sections “Receipts and Disposal of Complaints” and “year in Review” for the respective years. The Commission is of the considered view that the desired information and data is available in generally accessible form on the website link of the public body and the respondent’s office has indicated the appellant appropriately through its reply.
11. Notwithstanding, the respondent has also informed that a total of 224,080 complaints were received during the years 2017-19. Relief was granted in 122,393 whereas 45719 complaints were closed due to different reasons like jurisdictional exclusion, provincial affairs, external matters, personal vendetta, sub judice, time barred, withdrawal or for some other reason. After proceedings 7375 complaints were rejected on merits whereas 48593 were rejected in limine for being legally inadmissible.
12. The objection raised by the respondent on the intent of the appellant for seeking the information is not sustainable as under section 11(5) of the Act the applicant is not required to provide reasons for his request.
13. The letter of dissatisfaction by the appellant does not depict any specific point that remained unanswered. Mere raising objection without pinpointing the inadequacy cannot be entertained by the Commission for keeping the public body engaged with the appeal.
14. The Commission has noticed that the respondent has not notified the designated officer as required under section 9 of the Act within the specified time provided therein.

#### D. ORDER.

15. The appeal has borne fruit therefore is closed.

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on: 2.3.2021  
Certified that