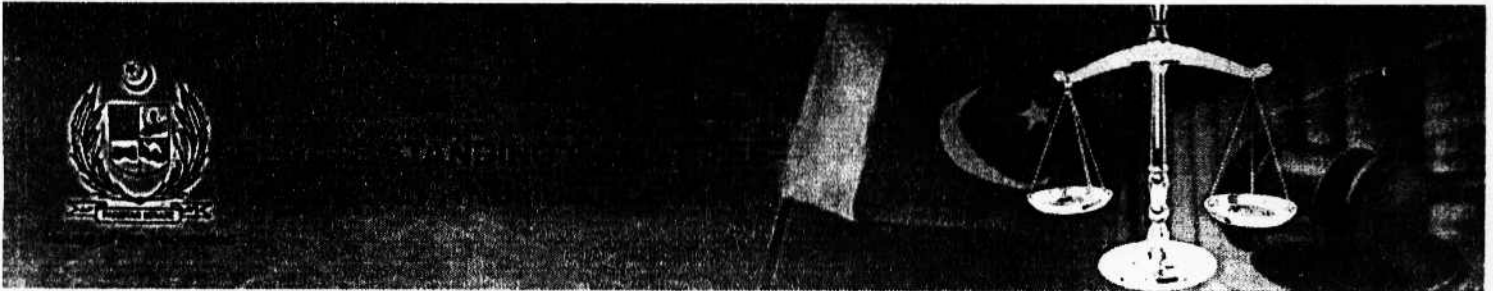


SENATE OF PAKISTAN



REPORT NO. 41

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE PUBLIC COMPLAINTS (REMOVAL OF GRIEVANCE) BILL, 2021”

PRESENTED BY

Senator Muhammad Javed Abbasi

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE PUBLIC COMPLAINTS (REMOVAL OF GRIEVANCE) BILL, 2021"

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Public Complaints (Removal of Grievance) Bill, 2021", introduced by Senator Muhammad Javed Abbasi, in the Senate sitting held on 25th January, 2021 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Mian Raza Rabbani	Member
3. Senator Farooq Hamid Naek	Member
4. Senator Zeeshan Khanzada	Member
5. Senator Sirajul Haq	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Ayesha Raza Farooq	Member
8. Senator Dr. Ghous Muhammad Khan Niazi	Member
9. Senator Mustafa Nawaz Khokhar	Member
10. Senator Sana Jamali	Member
11. Senator Walid Iqbal	Member
12. Senator Muhammad Ali Khan Saif	Member
13. Senator Musadik Masood Malik	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 29th January 2021, under the chairmanship of Senator Muhammad Javed Abbasi, with the following in attendance:

1. Senator Sana Jamali	Member
2. Senator Zeeshan Khanzada	Member
3. Senator Mustafa Nawaz Khokhar	Member

4. Senator Muhammad Javed Abbasi deliberated that the Bill was introduced with intent to address the public grievances against a Department or Ministry. A departmental mechanism has been

prescribed to redress the complaints or grievance within fifteen days of its filing. He further informed the Committee that the Bill provides for the applicant to approach Wafaqi Muhtasib if the Department/Ministry fails to provide the remedy. Senator Khanzada Khan noted that a parallel system exists to provide similar redressal vide Prime Minister's Complaint Cell. The Chairman Committee responded that the proposed Bill is a legislative mechanism whereas the establishment of Complaint Cell is a policy directive. The Ministry of Law and Justice, in its comments, opposed the Bill on the grounds that proposed legislation was already covered and addressed in the Wafaqi Mohtasib (Ombudsman) Order, 1983, for grievances of the public against the public and civil servants.

5. After deliberations, the Committee decided to put the Bill to vote whereupon it was passed unanimously.

6. The Committee recommends that "The Public Complaints (Removal of Grievance) Bill, 2021" as introduced in the Senate may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.



(Haris Rehman)
DS / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman, Standing Committee on Law and Justice

Introduced on 25-1-2021

As
[TO BE INTRODUCED IN THE SENATE]

A

BIII

to provide mechanism for speedy removal of public grievances.

Whereas it is expedient to provide mechanism for speedy removal of public grievances against the acts of omission or commission of a State Agency, and to provide a procedure for disposal of complaints in the Islamabad Capital Territory;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Public Complaints (Removal of Grievance) Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context.—

(a) **"Act of Public Grievance"** includes an act of omission or commission, default, willful delay or negligence in discharge of duty or obligation including any service delivery within the stipulated time under the relevant law or where no such time limit is provided then within thirty days, or imposed by any other law or the Constitution of the Islamic Republic of Pakistan;

(b) **"Agency"** includes any body politic or corporate, any authority of or under the control of Federal Government, or any statutory corporation or body, or any corporation owned or controlled by the Federal Government or any office, department of the Federal Government in relation to which the Wafaqi Mohtasib has jurisdiction to take any action; and

(c) **"Competent Authority"** includes an officer incharge of an agency competent to take any action upon a complaint in relation to its functions.

3. Complaints against act of public grievance.- (1) The competent authority on receipt of a complaint in relation to an act of public grievance shall, within fifteen days of receipt of complaint, inform the complainant of its decision whether an action by such authority is required to be taken upon such complaint or not, and if no action is required to be taken, the reasons thereof.

(2) Where the competent authority proceeds to take an action, it shall be decided within thirty days and the complainant shall be informed about the result within seven days of such decision:

Provided that if such a decision could not be reached within thirty days, the complainant, if not already participating in such proceedings, shall be informed of progress within seven days and thereafter within every fortnight.

4. Report to Wafaqi Mohtasib.- Where the decision under sub-section (2) of Section 3, could not be taken within ninety days from the date of receipt of complaint, the competent authority shall, within the next seven days submit a report in this behalf to the Wafaqi Mohtasib who shall pass any direction as he may deem fit including the stoppage of salary of the official at fault till the grievance of the complainant is redressed.

5. Violation of provision of the Law.- A violation of any provision of this law shall be an act of maladministration as defined in Article 2, clause (2) of the Establishment of Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 and shall be placed on the service record of the competent authority concerned and he shall be demoted to the lower grade.

6. Publication of the laws related to the redressal of public grievance.— The Federal Government shall ensure continuous publication and propagation of all laws related to the redressal of public grievance through print and electronic media and also display of such laws at prominent places and Government Offices for awareness and benefit of the general public.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to provide a mechanism for speedy removal of public grievances and to empower the Wafaqi Mohtasib to exercise his authority in case of default by any State agency.

SENATOR MUHAMMAD JAVED ABBASI
Member-in-Charge