

Empowering Citizens: Engaging with State Institutions

1. Introduction

Citizens' ability to interact with decision makers, participate in public debate, have their voices heard without fear of sanction, influence policy developments and hold public institutions to account are crucial for nurturing a responsive political culture. These tenets are also grounded in international standards on civil and political rights enshrined in international human rights treaties—such as the International Covenant on Civil and Political Rights (ICCPR)—that safeguard citizenship rights and ensure that states provide citizens with avenues to participate in the conduct of public affairs.

Responsiveness and accountability draw attention to the centrality of the social contract between the state and citizens. That is, states need to respond to the real needs of people and be accountable for their decisions and actions to them. Simultaneously, citizens need to fulfil their part of the contract by participating in democratic processes and civic life. However, their understanding of state functions and engagement tools is often limited—especially those related to departments like the Wafaqi Mohtasab Commission, free legal helpline, the Supreme Court's Human Rights Cell, public petitions to the Senate and participation in public hearings. Consequently, opportunities such as access to the provision of free legal aid, the Human Rights Relief and Revolving Fund, tools to report cases of gender-based violence (GBV), and hurdles in accessing minority/disability quotas are not adequately communicated by relevant state authorities to marginalised groups. These inadequacies in knowledge ultimately result in limiting citizens' participation in democratic processes.

Recognising that the state still holds sway over the outcomes of the complaints, petitions and

requests submitted by citizens, these tools, nevertheless, offer meaningful avenues that represent an expression of citizens' human rights. Governments remain responsible for the decisions they take—and are accountable to elected parliaments and to citizens as the sovereigns of democracy.¹ By applying these tools, citizens may be able to participate in setting the policy agenda and in shaping the dialogue between themselves and the government.

What is Responsive and Accountable Governance?

Responsive and accountable governance engages people in the processes of decision-making, policymaking, implementation, and monitoring and evaluation. It focuses the plans and actions of public leadership and government on the needs of people and involves them in identifying those needs. It provides access to public information and ensures that state and government departments are open to people's inputs and scrutiny.¹ Most importantly, it develops institutions, structures, systems and practices that promote and support the involvement and participation of people and ensures equal access to services.

1 Gramberger, Marc: Citizens as Partners. Information, Consultation and Public Participation in Policy-Making, p. 60–61. 2001. OECD Publishing. http://www.ecnl.org/dindocuments/214_OECD_Engaging%20Citizens%20in%20Policy-Making.pdf

2 United Nations, "Responsive and Accountable Public Governance", World Public Sector Report, ST/ESA/PAD/SER.E/187 (2015).

This brochure aims to create knowledge and awareness on the available mechanisms that the state of Pakistan has put in place to promote citizen engagement and democratic participation. It provides comprehensive information and an overview of multiple state institutions and their respective instruments. It is meant to offer citizens the processes in practice that can be harnessed to access state institutions, have their voices heard and participate in legislative processes and democratic governance.

These tools are categorised as 'participatory legislation' and 'complaint redress and feedback mechanisms'.

Participatory legislation

- Public petitions to the Senate of Pakistan
- Public hearings of Parliament

Complaint redress and feedback mechanisms

- Prime Minister's Citizen Portal
- Supreme Court's Human Rights Cell
- Federal Ombudsman of Pakistan's complaint mechanism
- Human rights helpline
- National Commission on Human Rights
- Right to information requests

2. Participatory Legislative Mechanisms

2.1 Public petitions to the Senate of Pakistan

Public petitions provide an optimal tool within the participatory legislative framework to effectively engage citizens in policymaking and implementation processes. The Senate of Pakistan has embedded public petitions initiative in its Rules of Procedure and Conduct of Business to promote participatory legislative processes. Rule 166 (5) encourages citizens to lodge public petitions “on any matter connected with the business pending before the House or a Committee, or any matter of general public interest which is primarily the concern of the government, provided that it is not one which falls within the cognisance of a court of law or tribunal, and it shall not directly relate to a matter pending before any court or other authority performing judicial or quasi-judicial functions” as well as those falling within the jurisdiction of provincial or local government. Public petitions to the Senate address structural barriers to participatory democracy, providing citizens an opportunity to access the Upper House of Parliament and engage in democratic parliamentary processes.

2.1.1 Submitting a petition to the Senate

Any citizen can initiate a public petition process by using the online ‘public petition dropbox’ on the official website of the Senate of Pakistan or by sending requests directly to the Public Petitions Table, Senate Secretariat, by post. Petitions should contain the following information:

Personal details of the petitioner:

- Complete name and computerised national identity card (CNIC) number
- Postal address

- E-mail address
- Mobile and landline phone numbers

Any additional information relevant to the petition should be provided separately as an annex along with reasons for the action requested.

2.1.2 Petitions mechanism before the House

All admissible petitions are put before the House on their turn in the Orders of the Day for consideration and/or discussion and may be referred to the relevant minister for response. The petition stands disposed of if the House is satisfied by the Minister’s response. If unsatisfied, the chairman may refer the petition to a particular ministry or division, upon which the Legislation Branch follows-up on the implementation status after the expiry of a stipulated time period fixed by the House. The Legislation Branch receives the ministry/ division’s response and then places it before the House. It also informs the public petitions table who in turn informs the petitioner.²

2.2 Public hearings by the National Assembly

Public hearings are an empowering tool for citizens providing them with access to parliamentary information and bringing them closer to political representatives, leading to improved representation of citizen’s interests in legislative business. Most importantly, the mechanism gives citizens a direct say in public policy development, allowing them

² Further details are available from <http://www.senate.gov.pk/en/petition.php?id=-1&ccatid=110&subcatid=282&cattitle=Public%20Petition>.

to influence legislation and policies that will govern them. Interested citizens may address committee members without personal invitation.³ Parliamentarians utilise this mechanism to gauge public sentiment regarding specific policies, and to foster dialogue with constituents on issues of concern. The Senate, National Assembly and parliamentary committees are mandated with holding public hearings.⁴ Clause 227 (3) of the Rules of Procedure and Conduct of Business of the National Assembly and Clause 187 (2) of the Rules of Business of the Senate provide jurisdiction to hold public hearings and invite or summon experts and/or concerned citizens.

Public hearings may focus on the receipt of information on:

- Particular legislation referred to the committee
- Issues that fall within the committee's jurisdiction
- Parliamentary oversight of the government through the examination of the:
 - Effectiveness of a particular government programme
 - Performance of a ministry in carrying out its responsibilities

2.2.1 The hearing process⁵

- The Secretary of the Committee shall cause the notice of the public hearing to be issued, stating the following:
 - The subject of the hearing/content of the agenda
 - Proposed date and time of the public hearing and venue of the hearing
 - List of speakers/experts
- Public hearings by specific committees are advertised through the parliamentary website, as well as in print and electronic media for public announcement at least three weeks in advance. The advertisement includes details of dates, start times, venues and the subject of hearings
- Any citizen interested in addressing the committee at the public hearing will need to register at least three days before the hearing
- The chairperson of the committee specifies objectives and ground rules for the hearing
- All hearings are recorded verbatim and in audio format. All written submissions are kept as part of the record
- The relevant committee may conduct a written follow-up of the recommendations after a hearing. The concerned committee branch maintains all relevant records of the proceedings

³ Pakistan Institute of Parliamentary Services, "Public Hearings and Parliamentary Committees: Participant's Book", September 2016.

⁴ Democracy Reporting International, "Tools for Engagement: A Guide to Strengthening Relations Between Parliamentarians and Citizens", 2016.

⁵ Senate of Pakistan, Public Hearing Manual.

3. Complaint Redress and Feedback Mechanisms

3.1 The Prime Minister's Citizen Portal

The Prime Minister's Citizen Portal provides citizens an interface with nearly 3,760 federal and provincial departments that are linked with the portal. Citizens can lodge complaints using this portal through a smartphone app, website, e-mail or Facebook.

Citizens can provide feedback and rate their complaint resolution to inform authorities in case a complaint is not resolved to their satisfaction. The maximum time limit for addressing complaints is designated as ten days.

The portal functions under the Prime Minister's Performance Delivery Unit (PMDU) and facilitates Pakistani citizens, overseas Pakistanis and foreigners. It also coordinates between parliamentarians and the Prime Minister's directives/task management system. Citizens can upload pictures, videos and audio files in support of their complaints.

The mechanism serves the dual function of feedback for government departments and informing policies that reflect public feedback.

3.2 Human Rights Cell at the Supreme Court of Pakistan

Under Article 184 (3) of the Constitution, a small Human Rights Unit had been working in the Supreme Court under the direct supervision of the Chief Justice of Pakistan and is managed by a junior officer. The Human Rights Cell was restructured⁶ in 2013 within the Supreme Court and given a broader mandate to "provide an

expeditious and inexpensive remedy in matters relating to infringements of Fundamental Rights enshrined in Chapter II of the Constitution".⁷

Supervised by the Chief Justice, the Cell is mandated with responding promptly to all complaints and grievances received by post through an effective and speedy mechanism. Complaints are reviewed and processed by the Director of Law before being forwarded to the Chief Justice for action. The Chief Justice then seeks fact-finding reports and comments from concerned quarters before addressing complaints. Hearings are also conducted if required. This cell's purpose is to circumvent prolonged litigation processes. The broad areas reviewed by this cell include:

- Missing persons
- Murder
- Rape
- Torture/harassment
- High handedness
- Acid attacks
- Abduction/kidnapping
- Abduction of women and children
- Constitutional petitions
- Other important matters regarding human rights, public importance, encroachment
- Human liberty and environmental pollution, etc.

3.3 Human Rights Helpline for Legal Advice

The Ministry of Human Rights has established a helpline to provide legal advice on violations pertaining to citizens' human and fundamental

⁶ Annual Report. Supreme Court of Pakistan. 2013–14. p. 119.

⁷ <http://www.supremecourt.gov.pk/web/page.asp?id=337>.

rights. In addition to legal advice, helpline staff provide assistance and referrals across multiple government departments, including the judiciary, Police, district administration, bar associations, etc. The toll-free helpline is operational seven days a week and helps citizens with the following types of grievances:

- The rights of senior citizens
- The rights of persons with disabilities
- The right to life, liberty and dignity
- The rights of transgender persons
- The rights of minorities
- Women's rights—violations related to violence, harassment and accessing inheritance
- Children's rights

3.3.1 Available channels for the registration of human rights violations

Toll-free helpline: 1099

Fax no.: +92 51 922 1710

E-mail: helpline@mohr.gov.pk

Postal address: 1st floor, Huma Plaza, Blue Area, Jinnah Avenue, China Chowk, Islamabad 44000

3.4 National Commission for Human Rights

The National Commission for Human Rights (NCHR) is an autonomous state body that works independently of the Government and is directly accountable to the Parliament of Pakistan. It has an overarching mandate for the promotion, protection and fulfilment of human rights, as provided for in Pakistan's Constitution and international treaties.

The Commission's functions include receiving petitions, taking suo-moto notices, and examining complaints of violations of human rights or abetment thereof, or negligence in the

prevention of such violations by public servants. The Commission has a designated complaint cell that receives, processes, investigates and conducts hearings. It makes recommendations to the relevant authorities, which are binding upon them.

Complaints to the NCHR can be submitted at:

Postal address: National Commission for Human Rights, 5th floor, Evacuee Trust Complex, Agha Khan Road, Islamabad 44000

Tel.: +92 51 921 6771

Fax: +92 51 921 6772

E-mail: info@nchr.org.pk

Online: <https://nchr.gov.pk>

3.5 Federal Ombudsman of Pakistan

The Mohtasib's complaint handling services are free and open to every Pakistani citizen and provide relief by carrying out independent investigations.

The Wafaqi Motasib is a financially and administratively autonomous body set up to "provide expeditious and inexpensive relief to citizens by redressing their grievances" against federal government agencies and to promote good governance therein.⁸ The Ombudsman holds the same powers as a civil court under the Code of Civil Procedure. The Ombudsman's recommendations are binding and s/he may punish anyone—with high court powers—who disobeys a decision.

The Mohtasib⁹ is mandated with diagnosing,

⁸ <http://www.mohtasib.gov.pk/>.

⁹ There are independent mohtasibs (ombudsman) for (i) maladministration by federal agencies (ii) women in the workplace (iii) banking matters concerning private banks; (iv) tax matters; and (v) insurance matters concerning private insurance companies.

investigating, redressing and rectifying maladministration by federal government agencies and their functionaries.

Maladministration is defined as a decision, process, recommendation, act of omission or commission that:

- Is contrary to law, rules or regulations
- Is perverse, arbitrary or unreasonable, unjust, biased, oppressive or discriminatory
- Is based on irrelevant grounds
- Involves an 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
- Is characterised by neglect, inattention, delay, incompetence, inefficiency and ineptitude in the administration or discharge of duties and responsibilities

Provincial ombudsman (known as mohtasib-e-aala in Urdu) offices are also functional in all provincial headquarters, i.e. Lahore, Karachi, Quetta and Peshawar with several regional offices in the provinces.¹⁰

3.5.1 Process for registering complaints

Complaints can be filed in the following manner:

- By presenting to the Wafaqi Mohtasib Director-General (Complaints) or to any authorised officer
- By hand delivery to the Central Registry of the Secretariat
- By post: 36, Constitution Avenue, Opposite the Supreme Court of Pakistan, G-5/2, Islamabad 44000

- By fax: +92 51 921 7224
- Online using the Mohtasib's Complaints Management Information System (www.mohtasib.gov.pk)
- By contacting the Wafaqi Mohtasib helpline at 1055

Ombudsman (Mohtasib) institutions are gateways for citizens into governments providing information, mediating conflict, investigating malpractice, and ensuring complaints lead to investigations. These autonomous state structures lie at the intersection of horizontal accountability institutions and vertical accountability mechanisms, providing citizens with mechanisms for grievance redress against public institutions

3.6 Right to information commissions

The right to information framework sets out the practical regime for citizens to secure access to information under the control of public institutions in order to promote transparency and accountability in the working of every public authority.

These include ministries, departments and directorates falling within the provinces that have RTI laws and commissions. These laws restrict access to information on:

- a. International relations and security
- b. Disclosure harmful to law enforcement
- c. Public economic affairs
- d. Policymaking
- e. Privacy
- f. Legal privilege
- g. Commercial and confidential information

¹⁰ DAMAAN Development through Awareness and Motivation, Baseline Report on the performance of the Ombudsman Office, 2014.

Right to information commissions across Pakistan

Region	Right to Information Commission
Balochistan	Freedom of Information Bill, 2005 available. However, the Commission has not been notified
Punjab	The Punjab Information Commission is an independent enforcement body for RTI set up under the Punjab Transparency and RTI Act, 2013
KP	The KP Information Commission is an independent enforcement body for RTI set up under the Right to Information Act, 2013
Sindh	Pending. No RTI law is available at this time. A first draft became available in 2008 but was not presented in the Sindh Assembly. The Sindh Freedom of Information Bill, 2006 was passed on 15 November 2006
Islamabad Capital Territory	The Commission has been constituted under the Right of Access to Information Act, 2017 which was enacted by Parliament on 16 October 2017. The Commission was notified in November 2018 and will begin entertaining RTI complaints in the near future

3.6.1 Filing information requests under Punjab and KP RTI laws

The process of filing information requests to government departments is easy and cost-effective. Any citizen of Pakistan can file an information request on plain paper and there is no fee for doing so. The process is as follows:

- Prepare an application or fill out the form, which clearly describes the information that you need
- Send the application to the designated information officer or relevant public body. If the information officer has not been designated, send it to the head of that public body
- Send an application through registered post or via e-mail if the designated officer has provided an e-mail address for RTI

requests. For a list of designated officers, please see relevant websites

- Keep a copy of the application and the receipt of the registered post or e-mail for future reference
- Requested information should be provided within ten working days in KP and 14 working days in Punjab. If the public body finds it difficult to collect the information, it may take an additional ten days in KP or 14 days in Punjab. If information is about protecting the life and property of an individual, it will be provided within two working days (KP and Punjab).¹¹

If requested information is not provided:

- Citizens can write a complaint against the public department to the Information

¹¹ Center for Peace and Development fact sheet.

Commission on plain paper. The complaint should include a copy of the application, receipt of the registered post, or a hard copy of the e-mail with the complaint.

- Applications to the Punjab Information Commission can be sent to:
www.rti.punjab.gov.pk (Punjab)
www.erti.kp.gov.pk/rti (KP)
- The Information Commission will decide on the complaint within 60 days (KP and Punjab).

3.7 The Election Commission of Pakistan's dispute resolution mechanism

Election disputes are inherent to elections. Challenging an election, its conduct or results, are not, however, a reflection of any weakness in the electoral system. A robust election dispute resolution mechanism is, in fact, proof of the strength, vitality and transparency of the electoral system. Fundamentally, the complaint mechanism addresses issues in the results of an election and resultant disputes related to the following:

1. The validity of the results and the right to challenge the outcome of the elections
2. The administrative action taken to address election-related problems and the right to seek redress in cases of violation of voting rights caused by lapses in the duties assigned to the functionaries holding the elections
3. Criminal prosecution of those who have corrupted or attempted to corrupt the election process.

3.7.1 Code of conduct violations

Complaints of malpractice, including code of conduct violations during an election campaign, are decided by Returning Officers and, where necessary, by the ECP. The ambit of Returning Officers' powers is spelt out in section 54 of the Elections Act, 2017. These powers include performing acts required for the effective conduct of elections in accordance with the provisions of the Act, rules and ECP decisions. Presiding Officers are required to maintain order at the polling station level. Under section 83 of the Elections Act, 2017, they may remove from polling stations persons not conducting themselves properly, or those disobeying orders. As per section 88 of the Act, a Presiding Officer can stop polling if voting is interrupted or obstructed for reasons beyond their control. If voting cannot be resumed, the Commission can order a fresh poll for that polling station.

3.7.2 The appointment of an appellate tribunal

A candidate or the objector may, within the timeframe specified by the Commission, file an appeal against the decision of the Returning Officer rejecting or accepting a nomination paper. The appeal goes to an appellate tribunal established for the constituency and comprises a high court judge appointed by the Commission in consultation with the Chief Justice of the High Court concerned under section 63 of the Elections Act, 2017. Where the number of appeals so necessitate, the Commission may appoint a person as tribunal, who has been a judge of a high court in consultation with the Chief Justice of the high court concerned. An appellate tribunal shall summarily decide an appeal filed within such time as may be notified by the Commission and any order passed on the appeal shall be final. If the appellate tribunal is not able to decide the appeal within the timeframe fixed by the

Commission, the appeal shall abate and the decision of the Returning Officer shall be final.

3.7.3 Filing election petitions

There are certain election disputes for which the law provides an appropriate mechanism for adjudication thereof. Article 225 of the Constitution states that no election to a House or provincial assembly shall be called into question except by an election petition presented to such tribunal and in such manner as may be determined by an act of Parliament.

Every election petition is required to contain a precise statement of material facts, full particulars of any corrupt or illegal practice allegedly committed along with the names and with the place and date of commission of such illegal and corrupt practices. The petitioner may claim any of the following reliefs:

- a. That the election of the returned candidate is void
- b. That the election of the returned candidate is void and that the petitioner or some other person has been duly elected
- c. That the election as a whole is void

3.7.4 The appointment of election tribunals for trial and disposal of election petitions

For the trial of election petitions, the Commission, under Section 140 of the Elections Act, 2017, appoints as many election tribunals as may be necessary for the swift disposal of election petitions. An election tribunal comprises, in the case of an election to an assembly or the Senate, a person who is, or has been a judge of a high court; and in the case of an election to a local government, a district and sessions judge or an additional district and sessions judge. The tribunals decide election petitions within 120 days.

Any person aggrieved by the final decision of an election tribunal in respect of an election petition challenging election to an assembly or the Senate may, within 30 days of the date of the decision, appeal to the Supreme Court under Section 155 of the act. Any person aggrieved by the final decision of the election tribunal in respect of an election petition challenging election to a local government, may, within 30 days of the date of the decision, appeal to the High Court having jurisdiction and the decision of the High Court on such appeal shall be final.