

ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL

Available Online: <https://assajournal.com>

Vol. 04 No. 02. October-December 2025. Page# 2943-2955

Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)

Platform & Workflow by: [Open Journal Systems](#)

<https://doi.org/10.5281/zenodo.18051114>



The Role of Ombudsman Institutions in Administrative Justice

Dr. Khurram Baig

Professor of Law

HOD, School of Law

Multan University of Science and Technology, Multan, Pakistan

mkb5729@gmail.com

Dr. Hafiz Abdul Rehman Saleem

Assistant Professor Law

Department of Law

University of Sahiwal

h.a.rehman@hotmail.com

Amir Rizwan

(Corresponding Author)

Advocate High Court

Visiting lecturer

Department of Sociology

Bahauddin Zakariya University, Multan, Pakistan

sheikhamirrizwan@gmail.com

Abstract

The introduction of the Ombudsman as one of the key pillars of administrative justice has also been central in ensuring accountability and fairness in the modern governance systems. The enactment of Wafaqi Mohtasib (Ombudsman) by the President through the Presidential Order No. 1 of 1983 was one of the significant milestones in the protection of the rights of the citizens against maladministration. Based on the postulates of equal justice, openness and redressing complaints, the institution of the Ombudsmen aims at filling the gap between the state and the people it represents. The paper will provide a survey of how the Ombudsman institutions have evolved, the law and the dynamics of the Ombudsman in Pakistan with regard to its constitutional legitimacy, jurisdiction and practical effectiveness of addressing the issue of administrative abuse coupled with the issues of political influence, lack of enforcement capacity and duplication of the role with other accountability organs. The analysis places the experience of Pakistan in the international trends of administrative justice with the help of the lessons learnt by the developed models in Scandinavia and the Commonwealth.

Finally, the paper insists that, despite the impressive achievements of the Pakistan Ombudsman in redressing grievances, additional institutional changes and autonomy are essential in bringing out the best in the office in terms of administrative fairness and good governance.

Keywords: Ombudsman, Administrative Justice, Wafaqi Mohtasib, Maladministration, Good Governance, Pakistan.

1. Introduction

Administrative justice forms part of democratic governance which makes sure that the state power is used in line with the principles of accountability, transparency and fairness. The institution of the Ombudsman was initially developed in Sweden in 1809 as a means to prevent the maladministration and bureaucracy of the citizens. This model has since spread to other parts of the world and is part of the governance systems of the states that have been shifting to participative and accountable systems. The Ombudsman can be described as an intermediary between the citizens and the state, settling grievances on behalf of the citizens against the state officials as well as ensuring good governance and integrity in the administration.¹

This concept was codified in Pakistani law under the Wafaqi Mohtasib (Ombudsman) by Presidential Order No. 1 of 1983. This institutional change was supposed to create a non-judicial, approachable avenue into which the citizens could get redress in the grievances of arbitrary, unfair or inefficient administrative decisions.² Later on in life, provincial level offices were implemented that was sign as a sign of an increasing awareness of the need of localized accountability regimes. These offices were formed at the same time as greater administrative reforms of the 1980s that aimed to increase openness and trust of citizens in public institutions.

But the structural and institutional constraints have limited the work of the Ombudsman in Pakistan. Its findings can be enforced to a limited extent since the recommendations that it makes even though they have persuasive authority are not legally binding in most cases.³ The autonomy of the accountability mechanism is at times compromised by functional overlaps with other accountability mechanisms, including the National Accountability Bureau (NAB) and the Public Accounts Committee (PAC), as well as by institutional blurring. The lack of the fiscal autonomy and little follow-up of the execution of the recommendations further limit the impact of the Ombudsman on the systemic maladministration.⁴

The current paper is an investigation into the nature of the Ombudsman institutions in the administrative justice system of Pakistan by tracing their history, constitutionality and dynamics of operation. It further determines the obstacles that hamper institutional effectiveness and how international comparative models including the example of Sweden, New Zealand and the United Kingdom can teach us how to enhance the accountability system in Pakistan. Finally, this research concludes that despite the positive contributions to grievance redressal

¹ Walter Gellhorn, *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966).

² Ahmad Raza Akhtar, Ghulam Murtaza and Muhammad Luqman, 'Technological Innovation in Public Service Delivery: Performance and Uptake of OPGRS in the Landscape of Digital Governance', *Digital Transformation and Sustainability: Methods and Applications* (Springer 2025).

³ Linda C Reif, *The Ombudsman, Good Governance, and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004).

⁴ Muhammad Subhan Malik, 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488.

provided by the system of Ombudsman, institutional strengthening and broad-based legal reviews are still necessary to achieve the full potential of this system as a protector of administrative fair play and the confidence of citizens.⁵

2. Historical and Theoretical Background of the Ombudsman Institution

The Ombudsman derives from the constitutional reforms of the early nineteenth century Sweden where the institution was established and specified in the Swedish Constitution of 1809. The office was envisioned as a representative of the parliament with the mandate of overseeing the behavior of the public administration as well as the government authorities to enforce the law in their interactions with the citizens.⁶ The Swedish model reflected the equilibrium between the power of the executive and the rights of the citizens, which became the example of future developments in Europe and the world. Other Scandinavian nations followed suit with other countries such as Finland and Denmark adopting the same systems strengthening the role of the Ombudsman as an administrative justice mechanism.

The Ombudsman institution can be considered as being theoretically justified on the basis of accountability, rule of law and right to good administration. It is also a non-judicial ready avenue where people can act on maladministration which may be defined as unfair, random or unproductive administration practices.⁷ The Ombudsman supplements the judicial process and adds to the confidence of the population in the state of affairs by offering informal and low-cost solutions to the traditional justice system. This combination of administration control and ethical persuasion gives to the institution its unique hybrid nature- between administration and political responsibility.⁸

The model of Ombudsman was globalized in the twentieth century. Once it was adopted in the Scandinavian countries, the institution was expanded to New Zealand in 1962 (the first non-European state to adopt it) and then to the United Kingdom in 1967.⁹ In these areas, the functions of the Ombudsman had developed into something more than checking legality, to include more general issues of fairness, efficiency and responsiveness of the administration. The adoption of the Ombudsman model by the Commonwealth especially in countries like India, Australia and Canada was an international agreement that administrative accountability needed to have independent oversight mechanisms which were not affected by politics.¹⁰

The role of the Ombudsman has been particularly significant in the developing countries, where the exercise of consolidating the institutions of democracy and the redress of the grievances of the citizens due to the bureaucratic inefficiency has been exemplified through the Ombudsman. Its capacity to adapt to various legal

⁵ Farrukh Mushtaq Chaudhry, 'Adjudication vs. Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan' [2025] Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan (January 16, 2025).

⁶ Walter Gellhorn, *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966).

⁷ Linda C Reif, *The Ombudsman, Good Governance, and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004).

⁸ Donald C Rowat, *The Ombudsman: Citizens Defender* (University of Toronto Press 1965).

⁹ Roy Gregory and Philip James Giddings, *Righting Wrongs: The Ombudsman in Six Continents*, vol 13 (IOS Press 2000).

¹⁰ Ian Scott, 'The Functions of the Ombudsman in Underdeveloped Countries' (1984) 50 International Review of Administrative Sciences 212.

and political settings has made it serve as a reform agent even in weak democracies.¹¹ The introduction of this institution in Pakistan in the early 1980s was a global trend towards modern administrative justice by looking into the world experience and adapting it to the local issues of governance. The idea of an autonomous grievance redress was tightly connected with Islamic ideas of justice and responsibility, in particular, the tradition of Hisbah in the past, when the state authorities had to guarantee moral and administrative rectitude.¹² Therefore, the institution of Ombudsman historically and theoretically represents a combination of Western administrative principles and locally based ideas of justice. It has become an adaptable and movable system to advance good governance- a tool which in the Pakistani context going by the situation needed to be contextualized in order to strike a balance between the powers of the state and the rights of the citizens in a complicated bureaucratic system.

3. Constitutional and Legal Framework of the Ombudsman in Pakistan

The legal basis of the Ombudsman in Pakistan is based on the Presidential order no. 1 of 1983, which is entitled as Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983. This was a constitutional tool to create an institution of the Wafaqi Mohtasib (Federal Ombudsman) as an autonomous body mandated with the responsibility of investigating cases of maladministration against federal agencies or officials. The order gave the Mohtasib the right to diagnose, investigate, redress and rectify any form of injustice meted on an individual by maladministration.¹³ The preamble of the Order literally emphasizes the principles of Islamic justice, equality and fairness, which indicates that it was followed by the desire to conform the modern system of administrative oversight to the local legal and moral tradition.

Despite the promulgation of the 1983 Order in the name of martial law, the office of the Ombudsman has persisted and remained constitutional in consecutive democratic regimes. The framework of the Ombudsman was strengthened exceptionally through the Constitution (Eighteenth Amendment) Act, 2010, which increased the provincial autonomy and hence introduced provincial ombudsman institutions in Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan.¹⁴ All of these offices are supported by their own Provincial Ombudsman Act and each has the same mandate of dealing with maladministration over the provincial bureaucracies. The model was also extended by the Federal Tax Ombudsman Ordinance, 2000 and the Banking Mohtasib Pakistan Ordinance, 2002 to sector specific areas, proving the increased functionalization of the Ombudsman system.¹⁵ The Wafaqi Mohtasib is given a very general definition that includes the federal agencies, statutory bodies as well as the officials of the government. Nevertheless, some of its areas, including the armed forces, the judiciary

¹¹ Domenico Carolei, 'An International Ombudsman to Make Non-Governmental Organizations More Accountable? Too Good to Be True...' (2022) 35 Leiden Journal of International Law 867.

¹² Muhammad Ibrahim Khan, 'E-2: ACCOUNTABILITY IN ISLAM: A PATH TO JUSTICE AND PEACE' (2023) 3 International Journal of Islamic Business, Administration and Social Sciences (JIBAS) 25.

¹³ Linda C Reif, *The International Ombudsman Yearbook, Volume 2 (1998)*, vol 2 (BRILL 2023).

¹⁴ Kamran Adil, 'Criminal Law after the 18th Constitutional Amendment: A Critical Review' (2021) 8 LUMS LJ 146.

¹⁵ Muhammad Subhan Malik, 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488.

and foreign affairs are not under its watch.¹⁶ The Mohtasib can call witnesses, demand the presentation of documents and examine records, similar to the judicial investigative authority, but lacking judicial status.¹⁷ After completing an investigation, the Ombudsman can present recommendations on corrective action, compensation or disciplinary action. Although these guidelines are not enforceable, government departments are supposed to do so within a given time and failure to do so, the failure can be reported to the superior authorities such as the President.¹⁸

The Ombudsman has several protections that promote its independence at the institutional level. The President appoints the Mohtasib to a certain term after which he can only be dismissed after committing misconduct or incapacity, which prevents him/her against political interference.¹⁹ The office has its administrative and budgetary structure but still is reliant on the allotments of the federal government which continues to make the question of its financial independence questionable.²⁰

There is also judicial acknowledgement of the significance of the Ombudsman. The Supreme Court of Pakistan has several times recognized the position of the Mohtasib as a critical element of administrative justice and urged the application of its findings in the name of social accountability.²¹ The lack of such constitutional entrenchment, however, as opposed to other such oversight bodies as the Auditor General or Election Commission, nevertheless still restricts the enforceability and institutional stability of the Ombudsman.

Overall, the Pakistani legal system of the Ombudsman is an embodiment of the hybrid approach that unites the statutory independence with the moral persuasion. The difficulty however is how to enhance its constitutional status and rights of enforcement that will bring it out to be more of an authoritative rather than recommendatory institution of administrative justice.

4. Effectiveness and Challenges of the Ombudsman Institutions in Pakistan

Pakistan has recorded significant gains in terms of accountability by the administrative system, good governance and safeguarding the citizens against bureaucratic exploitation through the Ombudsman system in the country. Over the years since its inception in 1983, the Wafaqi Mohtasib has been receiving hundreds of thousands of complaints, many of which entailed the problems of delay, negligence and misuse of power in the federal department.²² Its accessible procedures and free of charge facilities have made the common people especially those in the marginalized or rural groups to file a grievance in a way that would not demand the cost and process

¹⁶ Tero Erkkilä, 'European Ombudsman as a Supranational Institution of Accountability', *Ombudsman as a Global Institution: Transnational Governance and Accountability* (Springer 2020).

¹⁷ Bakht Munir, 'Controls over Administrative Discretion: A Case Law Study in the Context of Pakistan' (2021) 13 ISSRA Papers.

¹⁸ Muhammad Subhan Malik, 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488.

¹⁹ Tero Erkkilä, 'Transnational Governance and Global Diffusion of the Ombudsman Institution', *Ombudsman as a Global Institution: Transnational Governance and Accountability* (Springer 2020).

²⁰ Ivana Mirevska and Ljupka Petrevska, 'The Importance of the Ombudsman' (2024) 14 Int'l J. Econ. & L. 43.

²¹ Muhammad Subhan Malik, 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488.

²² Ahmad Raza Akhtar, Ghulam Murtaza and Muhammad Luqman, 'Technological Innovation in Public Service Delivery: Performance and Uptake of OPGRS in the Landscape of Digital Governance', *Digital Transformation and Sustainability: Methods and Applications* (Springer 2025).

involved in appealing to the formal judicial system. The non-adversarial style and spirit of conciliation in place of litigation in the office have been helpful in reinstating confidence among the citizens on the government processes.²³

A primary strength of the Ombudsman framework is that it has flexibility in its procedures. The Mohtasib works on the principles of equity, fairness and public interest unlike the courts that have to follow the strict rules of evidence and procedure. This flexibility enables complaints to be resolved in time and create administrative responsiveness.²⁴ Besides, the authority of the Ombudsman to bootstrap suo motu investigation, even before complaints are made against them, has enhanced its capacity of surveillance.²⁵ This has been used over the years effectively to deal with systemic problems, which include delays in paying pensions, inefficiencies in the utilities and mal-management in revenue departments.²⁶

Nevertheless, as much as these are the successes, the Ombudsman system is still plagued with significant institutional and operational issues. The most intractable weakness is related to the fact that the decisions of the Ombudsman are not binding. Although the compliance on the recommendations is legally due to agencies, no direct enforcement measures exist in case of rejection.²⁷ This recourse to moral authority as opposed to legal coercion usually leads to partial or slow execution. The Wafaqi Mohtasib Annual Report (2023) also admits that there are still many recommendations that are yet to be implemented mainly because of bureaucratic inertia or resistance by departments.²⁸

A second difficulty is a question of institutional overlaps with other accountability procedures. The presence of the bodies including the National Accountability Bureau (NAB), the Public Accounts Committee (PAC) and provincial anti-corruption departments has formed a tangled mess of accountability functions creating overlap of roles and confusion of jurisdiction.²⁹ In most cases complainants do not know which is the right arena where to seek redress and this leads to inefficiency in the procedures and lack of consistency in their results.

Ombudsmen also suffer a lot due to resource limitations. This reliance by the office on the federal government in terms of budget formulations is concerning on the financial autonomy and independence of the office. There are few employees and inadequate computer infrastructure which also make the processing of complaints slow, particularly in provincial and district offices.³⁰ In addition, there is no standardized case management approach between federal and provincial ombudsman offices, which minimizes the possibility of coordination and sharing

²³ Victor O Ayeni, 'The Ombudsman in the Achievement of Administrative Justice and Human Rights in the New Millennium', *The International Ombudsman Yearbook, Volume 5 (2001)* (Brill Nijhoff 2002).

²⁴ Donald C Rowat, *The Ombudsman: Citizens Defender* (University of Toronto Press 1965).

²⁵ *ibid.*

²⁶ Linda C Reif, *The Ombudsman, Good Governance, and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004).

²⁷ Linda C Reif, *The Ombudsman, Good Governance, and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004).

²⁸ 'Annual Report 2023_compressed (1)'.

²⁹ Derick W Brinkerhoff, 'Accountability and Good Governance: Concepts and Issues' [2017] *International development governance* 269.

³⁰ Muhammad Subhan Malik, 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488.

of data, which reduces the possibility of making policies that can be implemented in a national context based on the trends in complaints.

The other big issue is the feeling of political goodwill in the appointments. However, even though the law guarantees procedural protection of the independence of the Mohtasib, the procedure of appointment is still under the executive control and, therefore, it can be perceived as a source of neutrality.³¹ The institutional legitimacy of the Ombudsman has been argued by scholars to be based on the trust of the people based on the neutrality which is only possible with the open procedure of appointment and a stable tenure.³²

Moreover, the outreach programs of the Ombudsman and their publicity thereof are not properly developed. A significant percentage of the citizens especially those in rural areas are still not informed about the presence or area of jurisdiction of the offices of the Ombudsman.³³ Without a thorough civic education, or specially directed information campaigns, the accessibility and practical utility of the institution will be unduly actualized. The Wafaqi Mohtasib has recently made efforts to make its operations more digital by registering complaints and making itself available through regional offices but the geographical distribution of these efforts is uneven.³⁴ Lastly, the Ombudsman is limited in its jurisdiction to significant areas of the administration of the people by restricting itself to judicial, military, or foreign policy cases, where arbitrariness claims are often the most intense. Although this restraint is constitutional, it limits the ability of the institution as a healthy provider of administrative justice.

Overall, despite the achievement of accountability and equity in the culture of administrative institutions in Pakistan through Ombudsman institutions, their full potential is still limited by structural flaws, low levels of enforceability and a lack of institutional independence. Therefore, there is a need to have substantive changes in law, procedures and resources allocation to make the Ombudsman not a recommendatory institution but a key pillar of administrative justice.

5. Comparative Insights – Global Experiences and Lessons for Pakistan

The establishment of the Ombudsman institution has taken specific trajectories corresponding to the differences in the constitutional structures, political cultures and administrative traditions. A comparative study of the international models, namely the Sweden, the United Kingdom and New Zealand, can provide significant advantages to the optimal work on the system of the administrative justice in Pakistan.³⁵

As the oldest and most successful model, the Swedish model institutionalized the Ombudsman as a parliamentary institution with the mandate of overseeing the government agencies and the government officials. It operates under constitutional independence and is answerable to the legislature as opposed to the

³¹ Donald C Rowat, *The Ombudsman: Citizens Defender* (University of Toronto Press 1965).

³² Tero Erkkilä, 'Ombudsman as a Global Institution', *Ombudsman as a Global Institution: Transnational Governance and Accountability* (Springer 2020).

³³ 'Annual Report 2023_compressed (1)' (n 29).

³⁴ Abiha Zahra and Geert Bouckaert, 'Reforming Structures and Procedures in Pakistan (1947–2018)', *Public sector reforms in Pakistan: Hierarchies, markets and networks* (Springer 2022).

³⁵ *ibid.*

executive hence its independence.³⁶ The Swedish Riksdag Ombudsman enjoys an investigative mandate that is of a binding nature and he can always pursue legal action against the public servants who are found guilty of violating statutory provisions. The combination of investigative power and legislative approval has played a major role in maintaining administrative responsibility.³⁷ This model highlights the importance of legislative check, which is a bit of an aspect that has not been achieved to its full potential by the Ombudsman system of the Pakistani government that is based on executive power.

Another informative example is the Parliamentary Commissioner for Administration (PCA) of the United Kingdom which was introduced in 1967. In the United Kingdom, the Ombudsman is a last resort system, where administrative complaints that remain unaddressed by the departments are subject to scrutiny.³⁸ Despite its non-binding recommendations, the incorporation of the PCA in the parliamentary committee system makes its non-compliance by the departmental aspects likely to attract political accountability.³⁹ Public reporting and legislative scrutiny have been shown to enhance moral suasion and strengthen institutional authority, which is the experience of the British.

The Ombudsman model, which was established in New Zealand in 1962, is praised because of its accessibility and citizen-centered orientation. The office has a great jurisdiction which includes the central government bodies, local government bodies, universities and state enterprises.⁴⁰ It is important to note that the New Zealand Ombudsman is more proactive in enabling transparency by enforcing the Official Information Act 1982 and as such, administrative justice would be in tandem with the concept of the Principle of the right to information in general.⁴¹ On the contrary, the Ombudsman in Pakistan has not completely been able to bring in the aspect of public access to information in its area of investigation- a field where reforms may contribute immensely to the institutional relevance.

The developing countries including India and Malaysia also provide comparative insights. A hybrid system of granting investigational and prosecutorial authority against corruption was created by the Lokpal and Lokayuktas Act of 2013 in India.⁴² However, despite all the strong mandate, political interference and bureaucratic delays have limited its efficacy and this necessitates the point that statutory power does not guarantee institutional credibility. In the same manner, the Malaysian Public Complaints Bureau is executive in nature and it does not have the independence that would be necessary to effectively carry out its mandate.⁴³

³⁶ Geoffrey Sawer, *The Ombudsman: Citizen's Defender* (JSTOR 1967).

³⁷ Victor O Ayeni, 'Fifty Years of the Ombudsman in Africa', *Research Handbook on the Ombudsman* (Edward Elgar Publishing 2018).

³⁸ Roy Gregory and Philip James Giddings, *Righting Wrongs: The Ombudsman in Six Continents*, vol 13 (IOS Press 2000).

³⁹ Linda C Reif, 'Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection' (2000) 13 Harv. Hum. Rts. J. 1.

⁴⁰ 'Chief Ombudsman's Annual Report 2023-24'.

⁴¹ Phillipa C McCormack and Cleo Hansen-Lohrey, 'Accountability, Government Decisions and Future Generations: Lessons from the Australian Ombudsman' [2021] *Giving Future Generations a Voice* 128.

⁴² Nick Robinson, 'Closing the Implementation Gap: Grievance Redress and India's Social Welfare Programs' (2014) 53 Colum. J. Transnat'l L. 321.

⁴³ Linda C Reif, *The International Ombudsman Anthology: Selected Writings from the International Ombudsman Institute* (Martinus Nijhoff Publishers 2023).

These instances underline the fact that the credibility of the Ombudsman depends on its autonomy and social confidence and on the law.

In the case of Pakistan, a number of lessons can be derived out of these comparative experiences. To begin with, the Ombudsman institution could be strengthened by its constitutional entrenchment, i.e. its inclusion in the 1973 Constitution, which would establish the legal position of this body and increase its independence. Second, the parliamentary reporting systems would enhance transparency and accountability to the people as it is done in the United Kingdom. Third, an additional encompassing of the right to information models would enhance the role of Ombudsman to advocate open government. Lastly, at the federal and provincial level, institutional cooperation between the federal and provincial ombudsmen would ensure that there should be the same level of administrative fairness all over Pakistan.

In conclusion, despite the fact that it is in line with the international standards of administrative justice, the Ombudsman system in Pakistan is still incomplete. The comparative lens reveals that the critical elements on the foundation of the actual effectiveness of the Ombudsman are the presence of independence, transparency and legislation support.

6. Recommendations and Reforms for Strengthening the Ombudsman System in Pakistan

Though Ombudsman institutions in Pakistan have gone a long way in contributing to the administrative justice, an evaluation of their legal provisions, operational effectiveness and case studies comparisons, shows that there are some points that need to be reformed. Reforms of this kind are required to make institutions more autonomous, improve trust among people and give meaningful redress to the citizens.

1. Constitutional Entrenchment: The most important area of reform is constitutional recognition of the Ombudsman since the lack of such recognition in the Constitution puts the institution at risk of executive influence.⁴⁴

2. Strengthening Enforcement Powers: The recommendations of the Ombudsman, though having moral authority, do not have a legal basis and therefore restrict compliance.⁴⁵ Such mechanisms as those that have been implemented in Sweden, whereby the Ombudsman would be able to commence legal action against officials who fail to comply, or a more flexible variant that would trigger parliamentary scrutiny or administrative action in case of continued failure to comply would significantly increase effectiveness.⁴⁶

3. Parliamentary Oversight and Reporting: A consistent reporting to parliament as it is done in the United Kingdom can strengthen accountability without compromising institutional independence. Implementing a review mechanism of recommendations yearly would also entrench parliamentary scrutiny.

4. Integration with Right-to-Information Frameworks: Adding the responsibility of public access to information to the Ombudsman following the New Zealand example of the Official Information Act 1982 would increase

⁴⁴ Tariq Husain, 'The Role of the Ombudsman in Improving Public Service Delivery in Pakistan' [2011] ADB (eds).

⁴⁵ Farrukh Mushtaq Chaudhry, 'Adjudication vs. Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan' [2025] Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan (January 16, 2025).

⁴⁶ Walter Gellhorn, *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966).

transparency and responsiveness of the administration.⁴⁷ The association between grievance redressal and access to information empowers the citizens and enables systematic reform in the administration.

5. Resource Allocation and Digital Infrastructure: Timely manner of handling complaints requires proper funding, skilled staff and effective digital systems.⁴⁸ Investment in case-management programmes, e-filing systems and capacity-building programmes should be used to complement increased Wafaqi Mohtasib expansion into the region. Improved resources would allow managing the growing number of complaints effectively and keep track of the data.

6. Public Awareness and Civic Education: The challenge of public awareness and civic education among the citizenry is still present irrespective of the availability of Ombudsman services operationally; this means that a concerted effort should be provided through the use of publicity campaigns and community outreach programs as well as the development of strategic associations with the civil society organizations to improve access to Ombudsman services and popularize a culture of accountability among the administration.⁴⁹

7. Coordination Between Federal and Provincial Offices: Duplication processes or coverage gaps in grievance redressal brought about by the disaggregation of jurisdiction between federal and provincial Ombudsmen would be a better solution through the integration of similar framework to reflect the similarities in the guidelines, central database of cases and similar training programmes to generate uniformity in national-wide administrative redressal policies.⁵⁰

8. Transparent Appointment Processes: The openness of appointment of the Mohtasib is one of the main factors that will allow the people to trust in the institution; the appointment committee which will include the Parliament, the judiciary and the civil society will assist in the perception of political interference and the image of the institution.⁵¹

Such reforms will necessitate the political will, law making and administrative determination; all of which when pooled together can become a force of administrative justice and Pakistan Ombudsman institutions can be redesigned to indicate the internal need of the country as well as the global best practice standards.

7. Conclusion

The Ombudsman institutions in Pakistan become a significant system of promoting administrative justice, accountability and empowerment of the citizens. Since the institution was founded in 1983, the Wafaqi mohtasib has served as a viable and free forum through which citizens can complain about maladministration and get redress. The area of administrative scrutiny is also expanded by Provincial Ombudsmen and office by sectors, which can be attributed to the growing realization of the need to bring transparency and good governance at various administrative levels.

⁴⁷ Chloe Cairncross, 'Embracing Accountability: Chief Ombudsman's Reflections on Public Sector Complaints Processes' (2024) 47 Public Sector 6.

⁴⁸ 'Annual Report 2023_compressed (1)' (n 29).

⁴⁹ Marc Hertogh and others, 'The Ombudsman and Administrative Justice: From Promise to Performance' [2018] Research handbook on the Ombudsman 1.

⁵⁰ Victor O Ayeni, 'Fifty Years of the Ombudsman in Africa', *Research Handbook on the Ombudsman* (Edward Elgar Publishing 2018).

⁵¹ Geoffrey Sawyer, *The Ombudsman: Citizen's Defender* (JSTOR 1967).

Despite these successes, the Ombudsman system still faces such recurring challenges that prevent its effectiveness. It has a weak ability to enforce its recommendations, which are not binding and have scarce resources and may be politically influenced, which limit its ability to provide an independent agent of administrative fairness. Furthermore, jurisdictional disintegration between federal and provincial offices, as well as the lack of public awareness, inhibits the influence of the institution on the reform of systemic governance even more.

Comparative studies of Sweden, New Zealand and the United Kingdom show that entrenchment in the Constitution, legislative control and interrelations with transparency systems and effective institutional autonomy are the key aspects to the credible and effective Ombudsman system. In the case of Pakistan, such reforms in such areas, as well as improvement in public outreach, coordination and digital infrastructure, can make the Ombudsman not a recommendatory institution, but a key axis of administrative justice.

Finally, the development of the Ombudsman institution in Pakistan demonstrates the opportunities and the constraints of the administrative control in a developing democracy. Hardened institutional structures, procedural independence and greater citizen involvement are the keys to having the Ombudsman playing its role as an unbiased, functional and credible tool of government.

References:

- Adil K, 'Criminal Law after the 18th Constitutional Amendment: A Critical Review' (2021) 8 LUMS LJ 146
- Akhtar AR, Murtaza G and Luqman M, 'Technological Innovation in Public Service Delivery: Performance and Uptake of OPGRS in the Landscape of Digital Governance', *Digital Transformation and Sustainability: Methods and Applications* (Springer 2025)
- , 'Technological Innovation in Public Service Delivery: Performance and Uptake of OPGRS in the Landscape of Digital Governance', *Digital Transformation and Sustainability: Methods and Applications* (Springer 2025)
- 'Annual Report 2023_compressed (1)'
- Ayeni VO, 'The Ombudsman in the Achievement of Administrative Justice and Human Rights in the New Millennium', *The International Ombudsman Yearbook, Volume 5 (2001)* (Brill Nijhoff 2002)
- , 'Fifty Years of the Ombudsman in Africa', *Research Handbook on the Ombudsman* (Edward Elgar Publishing 2018)
- , 'Fifty Years of the Ombudsman in Africa', *Research Handbook on the Ombudsman* (Edward Elgar Publishing 2018)
- Brinkerhoff DW, 'Accountability and Good Governance: Concepts and Issues' [2017] International development governance 269
- Cairncross C, 'Embracing Accountability: Chief Ombudsman's Reflections on Public Sector Complaints Processes' (2024) 47 Public Sector 6
- Carolei D, 'An International Ombudsman to Make Non-Governmental Organizations More Accountable? Too Good to Be True...' (2022) 35 Leiden Journal of International Law 867

- Chaudhry FM, 'Adjudication vs. Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan' [2025] Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan (January 16, 2025)
- , 'Adjudication vs. Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan' [2025] Investigation in the Ombudsman Institution: A Comparative Study with Reference to Pakistan (January 16, 2025)
- 'Chief Ombudsman's Annual Report 2023-24'
- Erkkilä T, 'European Ombudsman as a Supranational Institution of Accountability', *Ombudsman as a Global Institution: Transnational Governance and Accountability* (Springer 2020)
- , 'Ombudsman as a Global Institution', *Ombudsman as a Global Institution: Transnational Governance and Accountability* (Springer 2020)
- , 'Transnational Governance and Global Diffusion of the Ombudsman Institution', *Ombudsman as a Global Institution: Transnational Governance and Accountability* (Springer 2020)
- Gellhorn W, *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966)
- , *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966)
- , *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966)
- , *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966)
- Gregory R and Giddings PJ, *Righting Wrongs: The Ombudsman in Six Continents*, vol 13 (IOS Press 2000)
- , *Righting Wrongs: The Ombudsman in Six Continents*, vol 13 (IOS Press 2000)
- , *Righting Wrongs: The Ombudsman in Six Continents*, vol 13 (IOS Press 2000)
- Hertogh M and others, 'The Ombudsman and Administrative Justice: From Promise to Performance' [2018] Research handbook on the Ombudsman 1
- Husain T, 'The Role of the Ombudsman in Improving Public Service Delivery in Pakistan' [2011] ADB (eds)
- Hussain S, Rasool A and Rasool N, 'FEDERAL OMBUDSMAN (WAFAQI MOHTASIB) IN PAKISTAN: A REAPPRAISAL OF ITS ORIGIN, DEVELOPMENT AND FUNCTIONS.' (2020) 17 PalArch's Journal of Archaeology of Egypt/Egyptology
- Khan MI, 'E-2: ACCOUNTABILITY IN ISLAM: A PATH TO JUSTICE AND PEACE' (2023) 3 International Journal of Islamic Business, Administration and Social Sciences (JIBAS) 25
- Malik MS, 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488
- , 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488
- , 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488
- , 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488
- , 'The Ombudsman in Pakistan: Federal and Provincial Mechanism' [2024] Available at SSRN 5089488
- McCormack PC and Hansen-Lohrey C, 'Accountability, Government Decisions and Future Generations: Lessons from the Australian Ombudsman' [2021] Giving Future Generations a Voice 128
- Mirevska I and Petrevska L, 'The Importance of the Ombudsman' (2024) 14 Int'l J. Econ. & L. 43

- Munir B, 'Controls over Administrative Discretion: A Case Law Study in the Context of Pakistan' (2021) 13 ISSRA Papers
- Reif LC, 'Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection' (2000) 13 Harv. Hum. Rts. J. 1
- , *The Ombudsman, Good Governance and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004)
- , *The Ombudsman, Good Governance and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004)
- , *The Ombudsman, Good Governance and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004)
- , *The Ombudsman, Good Governance and the International Human Rights System*, vol 79 (Martinus Nijhoff Publishers 2004)
- , *The International Ombudsman Anthology: Selected Writings from the International Ombudsman Institute* (Martinus Nijhoff Publishers 2023)
- , *The International Ombudsman Yearbook, Volume 2 (1998)*, vol 2 (BRILL 2023)
- Robinson N, 'Closing the Implementation Gap: Grievance Redress and India's Social Welfare Programs' (2014) 53 Colum. J. Transnat'l L. 321
- Rowat DC, *The Ombudsman: Citizens Defender* (University of Toronto Press 1965)
- , *The Ombudsman: Citizens Defender* (University of Toronto Press 1965)
- , *The Ombudsman: Citizens Defender* (University of Toronto Press 1965)
- Sawer G, *The Ombudsman: Citizen's Defender* (JSTOR 1967)
- , *The Ombudsman: Citizen's Defender* (JSTOR 1967)
- Scott I, 'The Functions of the Ombudsman in Underdeveloped Countries' (1984) 50 International Review of Administrative Sciences 212
- Zahra A and Bouckaert G, 'Reforming Structures and Procedures in Pakistan (1947–2018)', *Public sector reforms in Pakistan: Hierarchies, markets and networks* (Springer 2022)