

## THE ESTABLISHMENT OF THE OFFICE OF OMBUDSMAN

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**'THE ESTABLISHMENT OF THE OFFICE OF OMBUDSMAN  
FOR THE PROVINCE OF BALOCHISTAN**

1 This Ordinance was made by the Governor of Balochistan on 19<sup>th</sup> March, 2001; published in the Balochistan Gazette (Extraordinary), dated 19<sup>th</sup> March, 2001; protected and declared continue to be in force under Article 270AA of the Constitution of Islamic Republic of Pakistan, 1973.

Preamble.

Short title extent  
and  
commencemen  
t.

Definitions.

ORDINANCE, 2001

(Balochistan Ordinance VI of 2001)

[19% March, 2001]

An Ordinance to provide for the establishment of the office of Provincial Ombudsman for the Province of Balochistan.

Whereas it is expedient to provide for the appointment of the Provincial Ombudsman to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration;

AND WHEREAS, the Provincial Assembly of Balochistan stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Governor of Balochistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of Article 4 of the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order No. 9 of 1999), and in exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Establishment of the office of Ombudsman for the Province of Balochistan Ordinance, 2001.

(2) It extends to the whole Province of Balochistan:—

(3) It shall come into force at once.

2. In this Ordinance unless there is anything repugnant in the subject or context:—

(1) "Agency" means a Department, Commission or Office of the Provincial Government or a statutory corporation or other institution

established or controlled by the Provincial Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or High Court.

(2) "Mal-Administration" includes;

(i) a decision, process, recommendation, act

(3)

(4)

(5)

(6)

(7)

Appointment and 3. (1)

of omission or commission which—

(a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons;

(b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or

(c) is based on irrelevant grounds; or

(d) involves the 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; and

(ii) Neglect, inattention, delay, incompetence inefficiency and ineptitude, in the administration or discharge of duties and responsibilities;

“Office” means the office of the Ombudsman;

“Ombudsman” means the Ombudsman appointed under section 3;

“Prescribed” means prescribed by rules made under this Ordinance;

“Public Servant” means a public servant as defined in section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and includes a Minister, Advisor, Parliamentary Secretary and Chief Executive, Director or other officer or employees or member of an Agency; and;

“Staff? means any employees or commissioner of the office and includes co-opted members of the staff, consultants, advisors, bailiffs liaison officer and experts.

There shall be an Ombudsman for the province

qualification of of Balochistan, who shall be appointed by the Governor.

Ombudsman.

(2)

The Ombudsman shall be a person who is or has

Tenure of the  
Ombudsman.

Ombudsman not to  
hold any other  
office of profit  
etc.

Terms and  
conditions of  
service and  
remuneration  
of  
Ombudsman.

been a Judge of the High Court, or has been District and Sessions Judge qualified to be a Judge of the High Court or any lawyer who is qualified to be Judge of the High Court.

(3) Before entering upon office, the Ombudsman shall take an oath before the Governor in the form set out in the first Schedule.

(4) The Ombudsman shall, in all matters perform his functions and exercise his powers fairly, honestly, diligently and independently of the Executive; and all executive authorities through out the Province of Balochistan shall act in aid of the Ombudsman.

4. (1) The Ombudsman shall hold office for a period of Four years and shall not be eligible for any extension of tenure or for reappointment as Ombudsman under any circumstances.

(2) The Ombudsman may resign his office by writing under his hand addressed to the Governor.

5. (1) The Ombudsman shall not—

(a) hold any other office of profit in the service of Pakistan; or

(b) occupy any other position carrying the right to remuneration for the rendering of services.

(2) The Ombudsman shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office; nor shall he be eligible during the tenure of office and for a period of two years thereafter for election as a member of Parliament or a Provincial Assembly or any Local Body or take part in any

political activity.

6. (1) The Ombudsman shall be entitled to such salary, allowances, and privileges and other terms & conditions of service as the Governor may determine and these terms shall not be varied during the term of office of an Ombudsman.

(2) The Ombudsman may be removed from office by the Governor on the ground of misconduct or of being incapable of properly performing the duties of his office by reasons of physical or mental incapacity;

Provided that the Ombudsman may, if he sees fit



Acting  
Ombudsman.

Appointment and  
terms and  
condition of  
service of staff.

and appropriate to refute any charges, request an open public evidentiary hearing before the Supreme Judicial Council and, if such a hearing is not held within thirty days on the receipt of such request or not concluded within ninety days of its receipt, the Ombudsman will be absolved of any and all stigma whatever. In such circumstances, the Ombudsman may choose to leave his office and shall be entitled to receive full remuneration and benefits for the rest of his term.

(3) If the Ombudsman makes a request under the proviso to sub-section (2), he shall not perform his functions under this Ordinance until the hearing before the Supreme Judicial Council has concluded.

(4) An Ombudsman removed from office on the ground of misconduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as a member of Parliament or a Provincial Assembly or any local body.

7. At any time when the office of Ombudsman is vacant, or the Ombudsman is absent or is unable to perform his functions due to any cause, the Governor shall appoint an acting Ombudsman.

8. (1) The members of the staff, other than those mentioned in section 20 or those of a class specified by the Governor by order in writing, shall be appointed by the Governor in consultation with the Ombudsman.

(2) It shall not be necessary to consult the Balochistan Public Service Commission for making appointment of the members of the staff or on matters relating to qualifications for such appointment and methods of their recruitment.

(3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed having regard to the salary, allowances and other terms and condition of service that may for the time being be admissible to other employees of the Provincial Government in the corresponding Grades in the National Pay Scales.

(4) Before entering upon office a member of the staff mentioned sub-section (1) shall take an oath before the Ombudsman in the form set out in the second schedule of this Ordinance.

Jurisdiction  
functions and  
powers of the  
Ombudsman.

Procedure and  
evidence.

9. (1) The Ombudsman may on a complaint by an aggrieved person, on a reference by the Governor, or the Provincial Assembly or on a motion of the Supreme Court or the High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of mal-administration on the part of any Agency or any of its officers or employees;

Provided that the Ombudsman shall not have any jurisdiction to investigate or inquire into any matter which:—

(a) is subjudice before a court of competent jurisdiction or judicial tribunal or board in Pakistan on the date of the receipt of a complaint, reference or motion by him;  
or

(b) relate to the external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or government; or

(c) relate to, or are connected with, the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.

(2) Notwithstanding any thing contained in sub-section (1), the Ombudsman shall not accept for investigation any complaint 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.

(3) For carrying out the objectives of this Ordinance and, in particular for ascertaining the root causes of corrupt practices and injustice, the Ombudsman may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.

(4) The principal seat of the office of Ombudsman shall be at Quetta, but he may set up regional offices as when and where required.

10. (1) A complaint shall be made on \_ solemn affirmation or oath and in writing address to the Ombudsman by the person aggrieved or, in the case of his death, by his legal representative and may be lodged in person at the office or

handed over to the Ombudsman in person or sent by any other means of communication to the office.

(2) Anonymous or pseudonymous complaints shall not be entertained.

(3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Ombudsman may conduct an investigation pursuant to a complaint which is not within time if he considers that there are special circumstances which make it proper for him to do so.

(4) Where the Ombudsman proposes to conduct an investigation he shall issue to be the principal officer of the Agency concerned, and to any other person who is alleged in the complaint to have taken or authorised the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal;

Provided that the Ombudsman may proceed with the investigation if no response to the notice is received by him from such principal officer or other person within thirty days of the receipt of the notice or within such longer period as may have been allowed by the Ombudsman.

(5) Every investigation shall be conducted in private, but the Ombudsman may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.

(6) A person shall be entitled to appear in person or be represented before the Ombudsman.

(7) The Ombudsman shall, in accordance with the rules made under this Ordinance, pay expenses and allowances to any person who attends or furnishes information for the purposes of an investigation.

(8) The conduct of an investigation shall not effect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.

(9) For the purposes of investigation under this Ordinance the Ombudsman may require any officer or member of the Agency concerned to furnish any information or to produce any document which in the opinion of the Ombudsman

Recommendations  
for  
implementation

is relevant and helpful in the conduct of the investigation, and there shall be no obligation to maintain secrecy in respect of disclosure of any information or document for the purposes of such investigation;

Provided that the Governor may, in his discretion, on grounds of its being a State secret, allow claim of privilege with respect to any information or document.

(10) In any case where the Ombudsman decides not to conduct an investigation, he shall send to the complainant a statement on his reasons for not conducting the investigation.

(11) Save as provided in this Ordinance, the Ombudsman shall regulate the procedure for the conduct of business or the exercise of powers under this Ordinance.

11. (1) If, after having considered a matter on his own motion, or on complaint or on a reference by the Governor, or the Provincial Assembly, or on a motion by Supreme Court or a High Court, as the case may be, the Ombudsman is of the opinion that the matter, considered amounts to mal-administration, he shall communicate his findings to the Agency concerned—

(a) to consider the matter further;

(b) to modify or cancel the decision, process, recommendation, act or omission;

(c) to explain more fully the act or decision in question;

(d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;

(e) to dispose of the matter of case within a specified time;

(f) to take action on his findings and recommendation to improve the working and efficiency of the Agency within a specified time; or

(g) to take any other steps specified by the Ombudsman.

(2) The Agency shall, within such time as may be specified by the Ombudsman inform him about the action taken

Defiance of  
recommendations.

Reference by  
Ombudsman.

on his recommendations or the reasons for not complying with  
the same.

(3) In any case where the Ombudsman has considered a matter or conducted an investigation, on complaint or on a reference by the Governor, or the Provincial Assembly or on a motion by the Supreme Court or a High Court, the Ombudsman shall forward a copy of the Communication received by him from the Agency in pursuance of sub-section (2) to the complainant or, as the case may be, the Governor, the Provincial Assembly, the Supreme Court or the High Court.

(4) If, after conducting an investigation, it appears to the Ombudsman that an injustice has been caused to the person aggrieved in consequence of mal-administration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the Governor.

(5) If the Agency concerned does not comply with the recommendations of the Ombudsman or does not give reasons to the satisfaction of the Ombudsman for non-compliance, it shall be treated as "Defiance of Recommendations" and shall be dealt with as hereinafter provided.

12. (1) If there is "Defiance of Recommendations" by any public servant in any Agency with regard to the implementation of a recommendation given by the Ombudsman, the Ombudsman may refer the matter to the Governor who may, in his discretion, direct the Agency to implement the recommendation and inform the Ombudsman accordingly.

(2) In each instance of "Defiance of Recommendations" a report by the Ombudsman shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance;

Provided that the public servant concerned had been granted an opportunity to be heard in the matter.

13. Where, during or after an inspection or an investigation, the Ombudsman is satisfied that any person is guilty of any allegations as referred to in sub section (1) of section 9, the



Ombudsman may refer the case to the concerned authority for appropriate corrective or disciplinary action, or both corrective and disciplinary action, and the said authority shall inform the

## Powers of the Ombudsman.

Ombudsman within thirty days of receipt of reference of the action taken. If no information is received within this period, the Ombudsman may bring the matter to the notice of the Governor for such action as he may deem fit.

14. (1) The Ombudsman shall, for the purposes of this Ordinance, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matter namely;

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents;

(c) receiving evidence on affidavits; and

(d) issuing commission for the examination of witness.

(2) The Ombudsman shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Ombudsman, may be useful or relevant to, the subject matter of any inspection or investigation.

(3) The powers referred to in sub-section (1) may be exercised by the Ombudsman or any person authorised in writing by the Ombudsman in this behalf while carrying out an inspection or investigation under the provision of this Ordinance.

(4) Where the Ombudsman finds the complaint referred to in sub section (1) of section 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made and the amount of such compensation shall be recoverable from the complaint as arrear of land revenue;

Provided that the award of compensation under this sub section shall not debar the aggrieved person from seeking civil and criminal remedy.

(5) If any Agency, public servant or other functionary fails to comply with a direction of the Ombudsman, he may, in addition to taking other actions under this Ordinance refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Ombudsman.



Power to enter and search any premises.

Power to punish for contempt.

(6) If the Ombudsman has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him, he may refer the matter to the appropriate authority for necessary action to be taken within the time specified by the Ombudsman.

(7) The staff and the nominees of the office may be commissioned by the Ombudsman to administer oaths for the purposes of this Ordinance and to attest various affidavits, affirmations, or declarations which shall be admitted in evidence in all proceedings under this Ordinance without proof of the signature or seal of official character of such person.

15. (1) The Ombudsman, or any member of the staff authorised in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Ombudsman or, as the case may be, such member has reason to believe that any Article, book of accounts, or any other document relating to the subject matter of inspection or investigation may be found, and may—

(a) search such premises and inspect any Article, book of accounts or other documents;

(b) take extract or copies of such books of accounts and documents;

(c) impound or seal such articles, books of accounts or documents; and

(d) make an inventory of such articles, books of accounts and other documents found in such premises.

(2) All searches made under sub section (1) shall be carried out, mutatis, mutandis, in accordance with the provision of the Court of Criminal Procedure, 1898 (Act V of 1898).

16. (1) The Ombudsman shall have the same powers, mutatis, mutandis, as the High Court has to punish any person for its contempt who—

(a) abuses, interferes with, impedes, imperils,

or obstructs the process of the  
Ombudsman in any way or disobeys any  
order of the Ombudsman;

(b) scandalizes the Ombudsman or otherwise

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Inspection Team.

Standing

Committee etc.

Delegation of  
powers.

does anything which tends to bring the  
Ombudsman, his staff or nominees or any  
person authorised by the Ombudsman in  
relation to his office, into hatred, ridicule  
or contempt;

(c) does anything which tends to prejudice  
the determination of a matter pending  
before the Ombudsman; or

(d) does any other thing which, by any other  
law, constitutes contempt of Court;

Provided that fair comments made in good faith and in  
public interest on the working of the Ombudsman or any of his  
staff, or on the final report of the Ombudsman after the  
completion of the investigation shall not constitute contempt of  
the Ombudsman or his office.

(2) Any person sentenced under sub-section (1)  
may, notwithstanding anything herein contained, within thirty  
days of the passing of the order, appeal to the High Court.

17. (1) The Ombudsman may constitute an Inspection  
Team for the performance of any of the function of the  
Ombudsman.

(2) An Inspection Team shall consist of one or more  
members of the staff and shall be assisted by such other person  
or persons as the Ombudsman may consider necessary.

(3) An Inspection Team shall exercise such of the  
powers of the Ombudsman as he may specify by order in  
writing and every report of the Inspection Team shall first be  
submitted to the Ombudsman with its recommendations for  
appropriate action.

18. The Ombudsman may, whenever he thinks fit, establish  
standing or advisory committees at specified places with  
specified jurisdiction for performing such functions of the  
Ombudsman as are assigned to them from time to time and  
every report of such committee shall first be submitted to the

Ombudsman with its recommendations for appropriate action.

19. The Ombudsman may, by order in writing, delegate such of his powers as may be specified in the order to any member of his staff or to a standing or advisory committee, to be exercised subject to such conditions as may be specified and

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Appointment of  
Advisors etc.

Authorization of  
Provincial  
functionaries,  
etc.

Award of costs and  
compensation  
and refund of  
amounts.

Assistance and  
advice to  
Ombudsman.

every report of such member or committee shall first be submitted to the Ombudsman with his or its recommendations for appropriate action.

20. The Ombudsman may, appoint advisors, consultants, fellows, bailiffs interns, commissioners and experts, or ministerial staff with or without remuneration, to assist him in the discharge of his duties under this Ordinance.

21. The Ombudsman may, if he considers it expedient, authorize, any agency, public servant or other functionary working under the administrative control of the Provincial Government to undertake the functions of the Ombudsman under sub-section (1) or sub-section (2) of section 14 in respect of any matter falling within the jurisdiction of the Ombudsman; and it shall be the duty of the Agency, public servant, other functionary so authorised to undertake such functions to such extent and subject to such conditions as the Ombudsman may specify.

22. (1) The Ombudsman may, where he deems necessary call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any mal-administration committed by such public servant, other functionary or Agency and after considering the explanation, and hearing such public servant, other functionary or agency, award reasonable cost as arrears of land revenue from the public servant, functionary or Agency.

(2) In cases involving payment of illegal gratification to any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of



trust or cheating, the Ombudsman may order the payment thereof for credit to the Government or pass such other order as he may deem fit.

(3) | An order made under sub-section (2) against any person shall not absolve such person of any liability under any other law.

23. (1) The Ombudsman may, seek the assistance of any person or authority for the performance of his functions under this Ordinance.

(2) All officers of an Agency and any person whose assistance has been sought by the Ombudsman in the

Conduct of  
business

Requirements of  
affidavits.

Remuneration of  
Advisors,  
Consultants.

performance of his functions shall render such assistance to the extent it is within their power or capacity.

(3) No statement made by a person or authority in the course of giving evidence before the Ombudsman or his staff shall subject him to, or be used against him in, any civil or criminal proceedings except for prosecution of such person for giving false evidence.

24. (1) The Ombudsman shall be the Chief Executive of the Office.

(2) The Ombudsman shall be the Principal Accounts Officer of the office in respect of the expenditure incurred against budget, grant or grants controlled by the Ombudsman and shall, for this purpose, exercise all the financial and administrative powers delegated to an Administrative Department.

25. (1) The Ombudsman may, require any complainant or any party connected or concerned with a complaint, or with any inquiry or reference, to submit affidavits attest or notarized before any competent authority in that behalf within the time prescribed by the Ombudsman or his staff.

(2) The Ombudsman may, take evidence with technicalities and may also require complainants or witnesses to take lie detection tests to examine their veracity and credibility and draw such inferences that are reasonable in all circumstances of the case especially when a person refuses, without reasonable justification, to submit to such tests.

26. (1) The Ombudsman may, in his discretion, fix an Honorarium or remuneration of Advisors, Consultants, Experts and interns engaged by him from time to time for the services rendered.

(2) The Ombudsman may, in his discretion, fix, a reward or remuneration to any person for exceptional services rendered or valuable assistance given to the Ombudsman in carrying out his functions;

Provided that the Ombudsman shall withhold the identity of that person, if so requested by the person concerned, and take steps to provide due protection under the Law to such person against harassment, victimization, retribution, reprisal or retaliation.

Ombudsman and  
staff to be

public servants.

Annual and other  
reports.

Bar of Jurisdiction.

Immunity

Reference by the  
Governor.

27. | The Ombudsman, the employees, officers and all other staff of the office shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

28. (1) Within three months of the conclusion of the Calendar year to which the report pertains, the Ombudsman shall submit an Annual Report to the Governor.

(2) The Ombudsman may, from time to time, lay before the Governor such other reports relating to his functions as he may think proper or as may be desired by the Governor.

(3) Simultaneously, such reports shall be released by the Ombudsman for publication and copies thereof shall be provided to the public at reasonable cost.

(4) The Ombudsman may also, from time to time make public any of his studies, research, recommendations, ideas or suggestions in respect of any

conclusions,

matters being dealt with by the office.

(5) The report and other documents mentioned in this section shall be placed before the Provincial Assembly.

29. | Nocourt or other authority shall have jurisdiction—

(a) to question the validity of any action taken or intended to be taken, or order made, or any thing done or purporting to have been taken, made or done under this Ordinance; or

(b) to grant an injunction or stay or to make any

interim order in relation to any proceedings before , or any thing done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Ombudsman.

30. No suit, prosecution or other legal proceeding shall lie against the Ombudsman, his staff, Inspection Team, Nominees, member of the standing or advisory Committee or any person authorized by the Ombudsman for anything which is in good faith done or intended to be done under this Ordinance.

31. (1)  
complaint for investigation and independent recommendation by the Ombudsman.

The Governor may refer any matter, report or

(2) The Ombudsman shall promptly investigate any

Representation to  
Governor.

Informal resolution  
of disputes.

Service of process.

such matter, report or complaint and submit his findings or  
opinion within a reasonable time.

(3) The Governor may, by Notification in the  
official Gazette, exclude specified matter, public functionaries  
or Agencies from the operation and purview of all or any of the  
provisions of his Ordinance.

32. Any person aggrieved by a decision or order of the  
Ombudsman may, within thirty days of the decision or order,  
make a representation to the Governor, who may pass such  
order thereon as he may deem fit.

33. (1) Notwithstanding any thing contained in this  
Ordinance, the Ombudsman and a member of the staff shall  
have the authority to informally conciliate, amicably resolve,  
stipulate, settle or ameliorate any grievance without written  
Memorandum and without the necessity of docketing any  
complaint or issuing any official notice.

(2) The Ombudsman may appoint for purposes of  
Liaison Counsellors, whether honorary or otherwise, at Local  
levels on such terms and conditions as the Ombudsman made  
deem proper.

34. (1) For the purposes of this Ordinance a written  
process of communication from the office shall be deemed to  
have been duly served upon a Respondent or any other person  
by, inter-alias, any one or more of the followings methods,  
namely:—

(1) By service in person through any  
employee of the office or by any special  
process-server appointed in the name of  
the Ombudsman by any authorized staff  
of the office, or any other person  
authorized in this behalf;

(ii) By depositing in any mail box or posting  
in any post office a postage prepaid copy  
of the process, or any other document  
under certificate of posting or by  
registered post acknowledgement due to

the last known address of the respondent  
or person concerned in the record of the  
office, in which case service shall be  
deemed to have been effect ten days after

Expenditure to be  
charged on  
Provincial  
Consolidated  
Fund.

Rules.

Ordinance to  
override other  
laws.

Removal of  
difficulties.

the aforesaid mailing;

(iii) By a Police officer or any employee or nominee of the office leaving the process or document at the last known address, abode, or place of business of the Respondent or person concerned and if no one is available at the aforementioned address, premises or place, by affixing copy of the process or other document to the main entrance of such address; &

(iv) by publishing the process or document through any newspaper and sending a copy thereof to the respondent or the persons concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the Newspaper.

(2) In all matters involving service the burden of proof shall be upon a respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.

(3) Whenever a document or process from the office is mailed, the envelope or the package shall clearly bear the legend that it is from the office.

35. The remuneration payable to the Ombudsman and the Administrative expenses of the office, including the remuneration payable to staff, nominees and grantees, shall be an expenditure charged upon the Provincial Consolidated Fund.

36. The Ombudsman may, with the approval of the



Governor, make rules for carrying out the purpose of this Ordinance.

37. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other Law for time being in force.

38. — If any difficulty arises in giving effect to any provision of this Ordinance the Governor may make such order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing such

difficulty.

GOVERNOR BALOCHISTAN

SECRETARY LAW

(See Schedule on next page)

THE FIRST SCHEDULE

{See Section 3(2)}

I, do swear solemnly that I  
will bear true faith and allegiance to Pakistan.

That as Ombudsman for the Province of Balochistan, I will discharge  
my duties and perform my function honestly, to the best of my ability, faithfully in  
accordance with the Laws for the time being in force in the Province without fear or  
favour, affection or ill-will;

That I will not allow my personal interest to influence my official  
conduct or my official decision;

That I shall do my best to promote the best interest of Pakistan and  
Province of Balochistan; and

That I will not directly or indirectly communicate or reveal to an person  
any matter which shall be brought under my consideration, or shall become known to  
me, as Ombudsman except as may be required for the due discharge of my duties as  
Ombudsman.

May Allah Almighty help and guide me (Amen)

## THE SECOND SCHEDULE

{See Section 8(4)}

I, do solemnly swear that I  
will bear true faith and allegiance to Pakistan.

That as an employee of the office of the Ombudsman, I will discharge my  
duties and perform my function honestly, to the best of my ability, faithfully in  
accordance with the Laws for the time being in force in the Province without fear or  
favour, affection or ill-will;

That I will not allow my personal interest to influence my official  
conduct or my official decisions; and

That I will not directly or indirectly communicate or reveal to any person  
any matter which shall be brought under my consideration, or shall become known to  
me, as an employee of the office of the Ombudsman.

May Allah Almighty help and guide me (Amen)