



TRANSPARENCY
INTERNATIONAL - PAKISTAN

Quarterly Report 2011
april - june

ALAC

TRANSPARENCY INTERNATIONAL
PAKISTAN

1st Quarter Report
April 2011 – June 2011

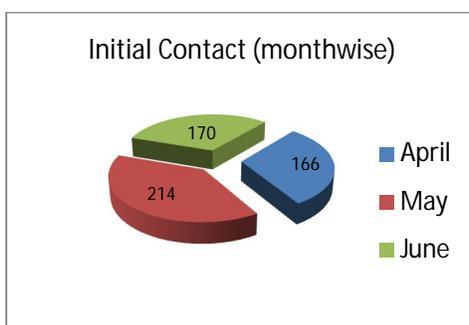
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INTRODUCTION

The first quarter of Year 4 showed that the number of Initial Contacts (ICs) totalled 550. Out of these, the most number of ICs – 214 – were received in the month of May; 166 ICs were received in April, while June elicited 170 contacts.

While the total numbers of ICs have been 7% less than the previous quarter, the conversion rate of ICs into cases is higher. This is because we opened cases where we had even given advice.

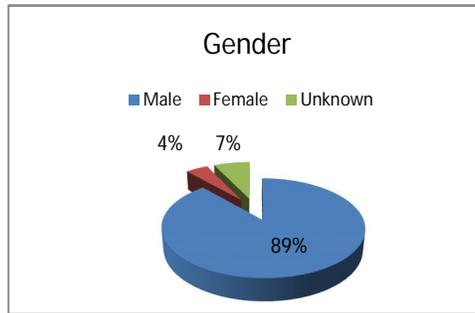


From the table, it is clear that TV advertisements have been the most effective when it comes to generating awareness about ALAC; and the department has been using it successfully.

The breakdown is as follows: 34% of the complainants came to know about ALAC through TV adverts, while other complainants found newspapers and friends (word of mouth) more effective sources of information; whereas 164 complaints were labelled as Undefined since most of these fell under Public Procurement cases, which were initiated by ALAC.

A. EMPOWER VICTIMS AND WITNESSES OF CORRUPTION TO ADDRESS THEIR GRIEVANCES

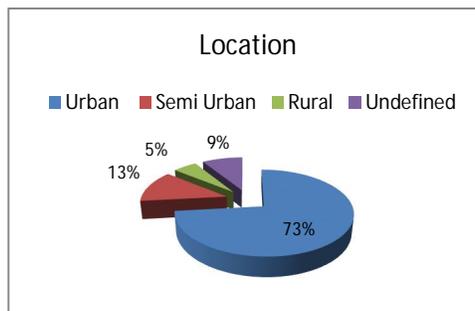
According to the statistics, most of the complainants were male; there is no change in the number of female contacts with respect to the previous quarter, they remained the same at a relatively low 4%. The number of “unknown” contacts reduced substantially as we attributed the 107 Procurement ICs with the male gender since the procuring agency point of contact is male.



According to geographical segmentation, the highest numbers of complaints were received from urban areas where people are more aware of their rights, and have easier accessibility to the institution handling such complaints.

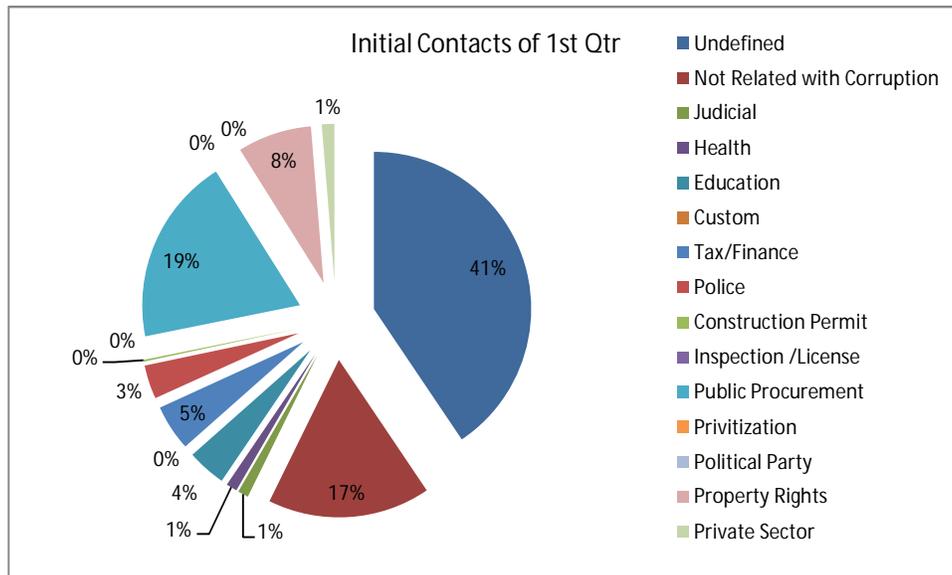
In this quarter, we received 29 ICs from rural areas which is a 625% increase with respect to the previous quarter. This is a strong indicator that our efforts through our Network NGOs in rural areas are paying off and are helping generate more complaints in those areas.

The undefined category includes complaints where either complainants contacted us through emails, or did not contact us properly. Not contacting properly in this case entails that a complainant would call on the ALAC hotline after office hours; when they were called the next morning, they were not reachable and hence it wasn't possible to ascertain their location. The procedure in these situations is to call the complainant three to four more times and if there is still no response, the initial contact is closed.



73% of the complainants were from urban areas, 13% are from semi-urban and 5% of the complainants are from rural areas.

The 550 ICs recorded are distributed in various Corruption Areas. Most of the Initial Contacts have been recorded under 'Undefined' and their ratio to ICs remains almost the same in every quarter. Cases that include fraud, non-performance of government individuals, delaying routine matters etc are grouped under undefined.



Majority of ICs in this quarter were established in the public procurement area as these are being raised by ALAC. The conversion rate of these procurement ICs into cases is very high i.e. 93%. Most of the procurement cases were identified through tender notices published in daily newspapers (which are scanned daily). Many times complainants also write in or get in touch with the ALAC office and point out the possible corruption in a particular tender.

The other areas where most complaints are received are Property Rights, Taxes/Finance, Education and Police.

B. SYSTEMIC CHANGE IN POLICY AND PRACTICE OF PUBLIC AND NON-STATE ACTORS TO FIGHT AGAINST CORRUPTION

The Public Procurement Rules 2004, Sindh Public Procurement 2010 and Punjab Public Procurement Rules 2009 are in an implementation phase. In this quarter we received 107 Procurement ICs, out of which 99 were converted into cases, maintaining a high conversion rate of 92%.

Most procurement cases originate from scanning newspapers. It is easy to convert them into cases as all the required evidence is present in the newspaper as well. Hence, these cases are easier to open as compared to the ones where we have to wait for the complainant to send sufficient evidence.

It should also be noted that Public Private Partnership is now a part of Punjab PPRA and Sindh PPRA respectively.

1. LEGAL ADVICE AND SERVICES TO VICTIMS OF CORRUPTION

An analysis of the Initial Contacts and Cases has been made for the first quarter in relation with the previous one.

In this quarter, we received the second highest number of complaints yet. Moreover, the conversion rate of IC s into cases has been the highest so far. We have converted 34% of ICs into Cases which is 311% higher than the previous quarter.

In this quarter, cases have also been opened when our legal advisors gave advice to the complainants. Out of 189 cases in total, 26 have been successful while 39 were partially successful. Therefore, the percentage increase of successful cases with respect to the previous quarter has been 117%.

2. ALAC DEMAND FOR IMPROVED GOVERNANCE BASED ON PERSUASIVE EVIDENCE

With the help of our TNN Punjab Coordinator and Members, we have successfully arranged 20 Corner Meetings in 8 districts of the Punjab province in June 2011. These districts include **Rahim Yar Khan, Bahawalpur, Sahiwal, Toba Tek Singh, Gujranwala, Hafizababd, Ranjanpur, Lodharan**. In these gatherings people from different walks of life were invited; these included villagers, students, lawyers, journalists, and member of civil societies. They highlighted problems faced by them (e.g. availability of records, bribery, altering property records, lack of teaching staff although allocation is provided etc) due to corruption and the importance of transparency.

On June 23rd, ALAC personnel visited Shadadpur in the Sindh province where a Kutchery (communal gathering) was held with the help of the Villagers Development Organization. The attendants included people from nearby villages who participated in the program with must gusto. There was equal participation from women who took time out and attended the Kutchery. The ALAC personnel informed them about the menace of corruption, and how one could join the fight against it. At the end of the session, a comprehensive question and answer session was held in which the villagers talked about their problems to the expert panel (one lawyer, Villagers Development Organization CEO) and ALAC personnel.

3. ENGAGEMENT OF PUBLIC INSTITUTONS

For the implementation of advocacy and bringing broader reforms, engagement with public institution plays an important role. ALAC, through its letters, has been communicating the problems of the citizens to various public institutions. Most of the

cases are from public procurement – which is why we need strong partnership with the Public Procurement Regulatory Authorities. According to the Excel Monitoring Tool, we are in cooperation with PPRA, Punjab and Sindh Public Procurement Regulatory Authority. We are also in contact with the Attorney General of Pakistan, NAB, PAC and various complaints are referred to them on a regular basis.

4. EFFECTIVE COALITIONS AGAINST CORRUPTION

ALAC is joining hands with its partners who are engaged with our fight against corruption. Through the NGO network, TNN, ALAC is spreading its message and helping people combat corruption. In Punjab, we held 20 corner meetings in 8 different districts in which people from different walks of life participated. These gatherings were held by the TNN members (NGOs) in their respective vicinities.

5. REPORT ON RISKS / UNEXPECTED FACTORS INCLUDING PHYSICAL SECURITY

In the last quarter, law and order situation was badly disturbed in the city. There had been a number of political violence in the city affecting the everyday life of the people in some areas of the city. Violence, strikes and unavailability of transport on road caused hardship to staff. The situation varies daily and general precautions are taken.

6. PROJECT MANAGEMENT ISSUES

Handling day-to-day complaints of the citizens and giving them sufficient legal advice is a very important part of our project. Due to the increased number of Initial Contacts, our staff is heavily overloaded with work. The government's failure in meeting with the expectations of the public is also raising the citizens' expectation towards other institutions like ALAC. Therefore, we are also trying to improve staff capacity through workshops and trainings. Advocacy is an area where additional staff is needed to conduct workshops.

7. SUSTAINABILITY, INNOVATION, BEST PRACTICE/LESSONS-LEARNED

For the last two quarters, we have been receiving initial contacts in larger numbers. It means that more and more people are engaged and getting our messages. In this quarter we have successfully converted 34% of our ICs into cases, and our success ratio has also increased.

We have learned that building partnership and coalition with government and local organizations helps to fight effectively against corruption. We have also learnt that our presence at the grass-root level helps us to build demand for change at a wider scale.

8. WORKPLAN FOR THE NEXT QUARTER

In pursuance of our objective to improve the capacity of the national chapter and the advocacy plan, we are going to meet with various government departments, and will talk about working closely with them. We have planned to target a small department of an institution and will also design advocacy in a way that brings improvement in it. Although the initial work will be of a small scale, our intention is to take this sample case for improving capacity in other government institutions and establish a better liaison.

In the month of August and September, we will have workshops and street theatres with the help of our TNN members in different parts of the Punjab province.

ALAC is also planning to launch its mobile teams for this year (subject to funds availability), in the next quarter; we will identify the areas where we can send these teams.

There are also plans to enhance ALAC's website for an improved visibility on the Internet.

ANNEX 1. CONTACTS & CASES

See attached sheets.

1. Initial Contacts (Contacts_PK_20110401_20110630)
2. Cases (Cases_PK_20110401_20110630)

ANNEX 2. EXCEL MONITORING TOOL

See attached Excel Monitoring Tool file

ANNEX 3: MATERIALS PRODUCED

ITEM	DATE	TITLE OR DESCRIPTION OF MATERIAL	ACCESS WEB SITE (IF ANY)
1 st Quarter 2011	1 st Quarter 2011	1 st Quarter 2011	1 st Quarter 2011
1	20/7/2011	Banner for Faisalabad	No
2	30/7/2011	Banner for Faisalabad	No
3	30/7/2011	Banner for Faisalabad (Corner Meeting)	No

Annex 4

HUMAN INTEREST STORIES

The Case of Sindh Bank

In 2009, Sindh Assembly passed the Sindh Public Procurement Act, 2009, aimed to streamline the process of procurement in the Sindh province and to bring transparency in it. It extends to the whole of Sindh, covering all procurements.

However, the Chief Minister of Sindh granted the Sindh Bank Ltd a special exemption from the Procurement Act and completely ignored the rules in it. Since the matter was a violation of the Act, and could have given way to major corruption, all the members of the Board of Trustees of Transparency International (TI) Pakistan decided to initiate a legal battle by challenging this exemption in the Sindh High Court. Thus, ALAC filed a petition in Sindh High Court Pakistan against the exemption given to the Sindh Bank. It is prayed in the petition that since the matter was of a grave nature, a stay order against the orders of the Chief Minister should be granted till the time the case is finally decided.

ALAC submitted that the Sindh Government issued the notification for political reasons, which was in violation of the law of the Sindh Public Procurement Regulatory Authority Act, 2009. ALAC added that the exemption was granted to the respondent bank knowing full well that such an exemption was illegal. The Chief Secretary Sindh issued impugned notification on the direction of the Sindh Chief Minister wherein the respondent Sindh Bank was granted special exemption from the Sindh Public Procurement Act 2009. The Sindh Public Procurement Act was passed by the Sindh Assembly and contended grant of exemption to the bank from this law was *ultra vires* and *mala fide*. Similarly, it was an affront to the law enacted by the Sindh Assembly.

It was also submitted in the petition that Section 21 of the Act does not permit any such exemption. The petition added that the Board of the SPPRA is only allowed to consider such an exemption of an object or class of objects in national interest and if that was not the case, it would be illegal.

After that, the Sindh High Court suspended the operation of the provincial government's notification to exempt the Sindh Bank from procurement rules and issued notices to the Chief Secretary Sindh, Sindh Bank and Sindh Public Procurement Regulatory Authority.

Allotment and Possession of a Property of an Old Man

Mr. Khan* was an old, retired man living in Karachi. His late father, an Ex Corporal Technician of Pakistan Air Force (PAF), was granted 32 acres of agriculture land under the Defense Force Quota in the year 1966-1967. His father paid the instalments up to 1987 and later expired in 1993. At the time of his death, there were some instalments left.

Mr. Khan approached the concerned Revenue Authorities for the issuance of a *challaan* towards the payment of the outstanding instalments with respect to the land. He also approached offices of the Revenue Department for this purpose, but he was not issued any *challaan*. Thereafter, he filed an application to the Ombudsman for the possession of his plot. By this time, he had received the *challaan* which was then paid and submitted by him. Hence, all his outstanding fines were paid. However, he was still not given possession because the Revenue Officers wanted some easy money to come their way. Adamant against giving bribes, Mr. Khan kept on visiting different offices of the Revenue Departments despite his poor health.

After some time, on 28 April 2008, the Honorable Provincial Ombudsman (Mohtasib Ala) Sindh passed an order in his favour and directed the Executive District Officer (Revenue) Sukkur to hand over physical possession of the land within 30 days. Even though the EDO

Revenue was supposed to hand over the possession to Mr. Khan, the complainant was deprived of the physical possession of the land despite fulfilling all the required formalities and paper work.

Thereafter he approached TI-Pakistan and lodged a complaint. TI-Pakistan firstly scrutinized and verified his complaint. Then, on 9th July 2010, TI-Pakistan wrote a letter to the Chief Secretary Sindh, Secretary Revenue Sindh, and Executive District Officer Revenue with a copy to the Provincial Ombudsman to look into the matter and redress his complaint.

In reply to ALAC's letter on 14-10-2010, the Honorable Provincial Ombudsman (Mohtasib) Sindh directed the Executive District Office Revenue to complete all the legal formalities to resolve the issue regarding the allotment of land and removal of encroachments in respect of the allotted land in question.

Mr. Khan visited the Executive District Officer Revenue office a number of times but the Executive District Officer Revenue was unavailable despite issuance of such clear cut orders by the Ombudsman.

ALAC wrote a letter to the Executive District Officer Revenue again on 13th May 2011 and requested him to look into the matter and redress his complaint; we further requested to fix a date for collecting the allotment order.

Thereafter, the complainant happily informed us that he got the allotment/possession of the property and that the matter was resolved successfully.

This is another success story of ALAC as after its intervention the relevant authority provided the asking relief to the aggrieved person.

*Actual name is changed

Teachers of Basic Education Community School Education

Advocacy & Legal Advice Centre (ALAC) received a joint complaint from 90 teachers of Basic Education Community School (BECS) Teachers from province of Punjab. These BECS teachers stated that they were the employees of the National Education Foundation, Ministry of Education and working on its project named Basic Education Community School Education since long.

They further stated that they had not received their salaries for six to eight months, while the education allowance of some teachers had not been paid either. They stated that even the books and floor mats had not been provided to the students of their school (BECS). They stated that they were not considered as government employees. They wrote various letters to the concerned authorities, but no action was taken. They then wrote and requested ALAC to help them with these issues.

After receiving this complaint, ALAC first scrutinized and verified this complaint. Thereafter, on 13 May 2011, ALAC sent a letter to Director (Projects) National Education

Foundation Islamabad, with a copy to Director BECS and Federal Minister for Education with a request to look into this complaint/matter.

The National Education Foundation sent a letter to ALAC stating that at the moment they had no funds for the teachers' salaries but assured us that they would get them in the fourth week of June 2011. (The government was expected to release the funds on the 20th of June 2011.)

After checking up on the complainants, we were informed that one of the teachers had gotten her salary. The rest were hopeful to get theirs soon as well.

This is another success story for ALAC, since after our involvement and efforts, the relevant authority assured the aggrieved poor teachers that they will receive their due salaries soon.

*Actual name is changed

Scooter Manufacturing Company in Residential Area of Hyderabad

Dr. Asim*, who was living in a residential area of Hyderabad, called ALAC and informed us that in his area someone had opened a Scooter Manufacturing Company, which is against the Environmental Protection Laws. He wanted to file a civil suit in the court and also had an intention to contest it in person. For this reason he contacted ALAC and wanted to get the requisite help and advice. He further asked to know which laws were actually being violated in his case, as he was a lay man and was unaware of this knowledge.

ALAC's lawyer informed and advised him that Section 278 PPC had been violated along with sections 11,12,13,14 and 16 of the Pakistan Environment Protection Act.

He took this information and thanked us. The next time he called, he informed us that he had filed a civil suit in the Civil Court, Hyderabad.

The complainant called again and informed that the opponent party told the court that they are ready to move his business from there but he would have to tear down Dr. Asim's boundary wall to enable his machinery to be moved. The court told him that if that was necessary he would be allowed but he would have to reconstruct this wall at his own expense. On the other hand, the complainant was of the view that machinery could be moved without tearing down the wall.

When he discussed this matter with ALAC's lawyers, they advised him to file an application for appointment of a commissioner by the court who would check out and send a report to the court and state whether it is necessary for the wall to be taken down or not so that the court may pass an appropriate Order accordingly. On the advice of ALAC's lawyers, the complainant filed an application. Later on, he got the orders in his favour and his opponent had to remove the machinery without tearing his wall. For the rest of his matter, the complainant contacted us again and informed that his case had been fixed for final orders.

After a few days, we called him back for an update when he informed us that the Civil Court had passed an order in his favour. He had won the case and paid thanks to ALAC for guidance and helping him regarding this issue.

The matter had been resolved successfully.

*Actual name is changed

Problem in Getting Computerized National Identity Card

TI-Pakistan received a complaint from Mr. Ahmed* who was a retired Army person. He was 48 years old and had applied for a Computerized National Identity Card in 2002, but had not received one as yet. Whenever he went to inquire about the progress regarding his card, NADRA kept saying that verifications were taking place. In the meantime, his wife had received her CNIC which showed him as her husband. Moreover, all of his children had been registered under Form 'B' which showed him as their father. However, he himself did not have his own identity card, and so, needed our help.

He wrote an application to ALAC and forwarded the matter. The application and the related documents were scrutinized by ALAC first, and then a letter was written to the Chairman of NADRA for sorting out this matter.

After a few days, the complainant informed us that he got his CNIC and also sent a letter thanking TI-P for helping him resolve his matter.

*Actual name is changed