

PRESIDENT'S SECRETARIAT (PUBLIC)

AIWAN-E-SADR, ISLAMABAD

Mr. Sana Ullah Ghumman

Versus

Ministry of National Health Services, Regulation and Coordination

REPRESENTATION PREFERRED BY FEDERAL BOARD OF REVENUE AGAINST FINDINGS / RECOMMENDATIONS PASSED BY THE WAFAQI MOHTASIB IN COMPLAINT NO. WMS-HOR/6322/2017

I am directed to refer to your Representation dated 01.11.2017 on the above subject and to say that the President has been pleased to pass the following orders:

This Representation dated 01.11.2017 has been filed by the Federal Board of Revenue (FBR)/ Agency against the findings of the Wafaqi Mohtasib dated 20.09.2017, whereby it has been held that:

From the perusal of the record, deliberations by respondents and input of experts departure from established practice is proved which is maladministration in terms of Article 2(1)(a) of P.O. No.1 of 1983. The Agency is advised to implement the obligatory Articles 6 & 15 of WHO Framework Convention on Tobacco Control, strictly in accordance with regulations.

Compliance should be reported within 30 days of the receipt of these findings or reasons for not doing so intimated in terms of Article 11(2) of President Order No.1 of 1983."

3. The Brief facts of the case are that the complainant has complained against the inattention and indecision of the Agency to act according to rules and regulations for safety of human health through reduction of tobacco consumption. The health hazards to the youth of the nation are likely to increase. The Ministry of Finance and Agency has been implementing regulations enunciated in Framework Convention on Tobacco Control for last many years but have committed departure during 2017-18. The complainants have approached all concerned to act according to rules but in vain. They have invoked the jurisdiction of this office to rectify injustice being done to the public at large through maladministration of the Agency under P.O.No.1 of 1983.

4. The Tobacco Cell, Ministry of National Health Services, Regulations & Coordination in its report have stated that tobacco use is the single previously been made. Technical Working Group in M/o NHR&C monitors implementation by all stakeholders to minimize Health Hazards because of consumption of tobacco. M/o Finance endorsed Tobacco Control Cell to the extent that implementation of Article 6 & 15 is the obligation of Government of Pakistan. Thus Wafaqi Mohtasib has issued aforementioned findings.

5. Hearing of the case was held on 5.12.2017. Mr. M. Zaheer, Secretary Sales Tax & Excise has represented the FBR. Mr. Sana Ul Islam, Dy. Secretary M/o NHR&C have represented the Ministry of National Health Services, Regulation & Coordination (NHR&C). On the other hand, the Mr. Sana Ullah Ghumman General Secretary PANAH Complainant himself has appeared for the hearing on the particular issue.

6. The instant Representation has been filed by FBR. The Agency has taken ground that the Honourable Wafaqi Mohtasib (Ombudsman) is not justified in holding that "from the perusal of the record, deliberations by respondents and input of experts departure from established practices is proved which is maladministration in term of Article 2(1)(a) of PO NO.1 of 1983." This observation is based on the introduction of their tier of FED for cigarette industry through the Finance Bill, 2017, passed by the National Assembly and assented by the President of Pakistan.

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