

ADMINISTRATIVE PROCEDURES ACT FOR THE FEDERAL GOVERNMENT OF PAKISTAN

RATIONALE

From the citizen's point of view, public administration is an instrument. What matters most to him is how it is used and for what purposes. The career officials are trained at administrative in-service training institutions such as the Pakistan Administrative Staff College, the National Institutes of Public Administration and the Academies for Rural Development to accept their role of servant, not masters of the citizens, devoted to the pursuit of the general well being of the people. The procedures inherited from the colonial rule at the time of independence were not adjusted to the needs of the common man. Excessive procedural complexities deprived the citizen of his rights because he failed to understand the administrative maze. Information respecting public offices, their services and functions was not disseminated among the people in pre-independence days. The governmental machinery exhibited a tendency to secrecy on the part of the public administrator. The citizens desirous of getting their basic needs attended to by members of the public service were subjected to harassment. They hurried from office to office waiting in line, trying to conclude their small, but to them important items of business. Nor was it unusual to locate instances of alarming delays in getting a decision from a government

department. To give an example, a villager had to go many times to several offices situated in different parts of the city in order to get a permit. The same situation prevailed in respect of payment of taxes and land revenues. This not only created dissatisfaction among the citizens, it also meant loss of revenues to the government and more work for the officials. Endless delays in obtaining justice and in obtaining governmental approval of commercial transactions were frequently a cause of expense and loss to people and constituted a handicap to economic development. The rules and regulations followed by the Secretariat did not prevent the possibility of arbitrary action by civil servants.

With the advent of democracy in many parts of the world, Pakistan included, a need is, therefore, being felt to safeguard the dignity and worth of human person; to promote social progress and better standards of life in larger freedom; and to ensure respect for human rights and fundamental freedoms for all without distinction as to sex, language, ethnicity, sect or religion. The democracies make it obligatory for the government to devise an administrative system that should guarantee the citizen the right to be treated in accordance with the rule of law, and with justice, impartiality and reasonableness in all his dealings with the administration; a right to know what the laws and regulations are, and his own privileges and duties in regard to them; the right to have information on the purpose, organisation, and operation of his government; and the right to participate in public affairs, as far as possible, at all levels.

In view of developments in the law-oriented world of today, the concept of administrative procedures is placed very high on the reform agendas. The present feeling of the bench and the bar in several parts of the globe is such that administrative procedures are viewed as institutional safeguards enforced through internal processes and mechanisms. These safeguards largely depend on a highly professionalized public bureaucracy, an adequate technique of administrative application of legal standards, a flexible, appropriate and economic procedure, easy access to public scrutiny and a constant play of criticism by an informed and lively bar. The current emphasis throughout the world is on the development of a simple procedure of administrative hearings, which a client can understand and even participate in. The modern world community seems to emphasize that the public administration should no longer act under conditions of virtual irresponsibility. Procedures are now seen as means to the end of fair implementation of government programmes and their efficacy is measured by their contributions to this end. This functional view of procedure argues in favour of flexibility. Conferences, use of stipulations, inspections, and tests are suggested as indispensable methods for achieving the efficient operation of governmental business. Modern trends are based on recommendations for the use of hearing commissioners and favour participation prior to the issuance of administrative rules and regulations. Modern procedural values are reduced to general statement of fairness and natural justice. It is considered equally important for administrative procedure to provide mechanism that

will not delay or frustrate substantive public administration programmes. Administrative procedures are basically concerned with the overall fairness and accuracy of decisions, with their efficient and low-cost resolution, and, in a democratic society, with participants' satisfaction with the process. The conclusion reached in many parts of the world is that the superior courts are moving to a new unitary theory of administrative procedure, a theory that has expanded procedural inquiry from regulatory to non-regulatory decisions, without relying on traditional distinctions between rule making and adjudication. Instead, the courts are coming to view administrative procedures as a function of the values of fairness, efficiency, and satisfaction.

It is being increasingly recognised that in most of the administrative matters, the public has a stake in the outcome. Administrative establishments must, therefore, employ procedures that facilitate the effective completion of public agendas. The procedures being designed are part of the public interest calculations that give increased control over the outcome. This control implies a preference for an inquisitorial procedure. The crucial inquiry becomes: How can one retain the essential values of democratic procedural process and still allow the department concerned to achieve its programme implementation goals? To be sure, the laws under which the Federal Government Departments work are expected to incorporate the fundamentals of fair-play. They should require that interested parties be afforded an opportunity for hearing and that an administrative judgement must express a

reasoned conclusion. No better instrument has so far been designed than uniform administrative procedures for arriving at truth to give a person in jeopardy of loss at least notice of the case against him and an opportunity to meet it. Nor has any better way been found, so far, for generating the feeling, so important in popular government, that justice has been done. This trend pushes administrative procedures into a single model in two senses: it expands the scope of inquiry from regulatory to non-regulatory matters, and it blurs over the traditional dichotomy between rule making and adjudication.

In the light of the rationale given above, the development of administrative procedures can serve as a document of pervasive influence in Pakistan. It is, therefore, proposed that a unitary administrative procedure code for Federal Government Bureaus in Pakistan be devised which contains the minimum procedural ingredients of informal rule making: notice, written comments and reasons; and may be expanded to include oral comments and cross-examination on a specific issue in the establishment concerned. Experts contemplate that administrative decisions should be accompanied by a concise statement of reasons. Provision has to be made for formal decisional authority to be decentralised in the government department and unnecessary stages of internal review should be eliminated. The Federal Government Establishments should use rule making as a means of better defining and clarifying administrative standards, in order to make administrative regulations more uniform, predictable and susceptible to public

scrutiny. The objective should be to limit the opportunity for multi-tiered review within the departments concerned, particularly when administrative review does not serve the purpose of expediting decision making. The proposed administrative procedures can advance the cause of exploring opportunities for settlement conferences on issues and matters that need not be fully adjudicated. The objective is also to enable the Federal Government to establish management procedures that identify and eliminate wasteful or duplicative procedural steps and to assess the effect of changed procedures on fair, efficient, and satisfactory decision making.

METHODOLOGY

Keeping the aforesaid philosophy and rationale in view, a proposal was initiated on December 01, 1986, with a view to undertake a major research project for the preparation of a draft of the Administrative Procedures Act for the Federal Government of Pakistan. The objective of this research project was to create uniformity in matters pertaining to public dealing and to the disposal of public business by all the Establishments of the Federal Government. The research was meant to bring public order closer to the system of Government. An identical legislation passed in the U.S.A. in 1941 became instrumental in eliminating delays and in reducing corruption, wherever it was prevalent. The Government of Pakistan is obviously in need of such an enactment, which would help Government maintain the principles of efficiency and economy basic to any system of democracy.

This proposal initiated by the Secretariat of the Pakistan Law Commission in December 1986 received support from the observation of Mr. Justice Shafi-ur-Rehman of the Supreme Court of Pakistan who suggested that an Administrative Procedures Act combining the procedures for administrative courts, procedure for administrative officers, citizen's right of access to information, citizen's right to privacy and openness of administration be promulgated (Pakistan Times February 08 1988).

Fieldwork on this project was carried out at Islamabad, Karachi and Lahore. The officers interviewed personally at Islamabad, Lahore and Karachi responded favourably to the proposal and supported the desirability of introducing legislation on the proposed subject in Pakistan. The questionnaires mailed to Federal Government Departments at Peshawar and Quetta could not elicit any response, as the officers to whom the questionnaires were administered by correspondence did not appear to have any inclination to make a commitment in respect of their views in writing. Anyhow the data collected at Karachi and Lahore was comprehensive in several respects and the objectives of field research were properly taken care of at the three centers, which can be treated as representative of the Government of Pakistan.

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PRELIMINARY DRAFT

Section I Definition

For the purpose of this Act

(1) “Establishment” means each authority of the Federal Government of Pakistan including Ministry, Division, Bureau, attached Department, subordinate Department, semi-autonomous body and autonomous body, whether or not it is within or subject to review by another establishment, but does not include –

- (A) the National Assembly
- (B) the Senate
- (C) the Courts of Law in Pakistan
- (D) authorities of the Defence Forces

(2) “Person” includes an individual, partnership, corporation, associates, or public or private organisation other than a department.

(3) "Party" includes a person or Department/Bureau/Division/Ministry named or admitted as a party, or property seeking a title as of right to be admitted as a party, in any departmental proceeding, and a person or agency admitted by a Department as a party for limited purposes.

(4) "Rule" means the whole or the part of a departmental statement of general or particular applicability designed to implement, interpret or prescribe law or policy or describing the organization, procedure, or practice requirements of any establishment, and includes the approval or prescription for the future of rates, wages, corporate or final structures, or reorganization thereof, prices, facilities, appliances, services or allowances thereof or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(5) "Rule making" means administrative process for formulating, amending, or repealing a rule;

(6) "Order" means the whole or the part of a final disposition, whether affirmative, negative, injunctive or declaratory in form in a matter other than rule making but including licensing:

(7) "Adjudication" means the administrative process for the formulation of an order;

(8) “Licence” includes the whole or part of an organizational permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission; includes licencing administrative process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a licence;

(9) “Sanction” includes the whole or the part of the Establishment—

- (A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;
- (B) withholding of relief;
- (C) imposition of penalty or fine;
- (D) destruction, taking, seizure or withholding of property;
- (E) assessment of damages, reimbursement, restitution, compensation, costs, charges or fees;
- (F) requirement, revocation, or suspension of licence; or
- (G) taking other compulsory or restrictive action.

(10) “Relief” includes the whole or the part of an Establishment—

- (A) grant of money, assistance, licences, authority, exemption, expansion, privilege or remedy;

- (B) recognition of a claim, right, immunity, privilege, exemption or exception; or
- (C) taking of other action on the application or petition of, and beneficial to, any person.

(11) “Establishment Proceeding” means an administrative process:

(12) “Establishment Action” includes the whole or the part of an organisational rule, order, licence, sanction, relief, or the equivalent or denial thereof, or failure to act; and

(13) “Ex-parte Communication” means an oral or written communication with respect to which reasonable prior notice to all parties is not given.

Section II Public Information: Establishment Rules, Opinions, Order Records, and Proceedings

Except to the extent that there is involved (1) any function of Pakistan requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an Establishment—

(a) Each Establishment shall make available to the public information as follows:

(1) Each Organisation shall separately state and currently publish in the Gazette of Pakistan for the guidance of the public—

(A) Description of its Secretariat and Federal Establishment and the established places on which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) Statement of the general course and method by which its functions are channelled and determined, including the nature of requirements of all formal procedures available;

(C) Rules of procedure, description of application and other forms available or the place at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) Substantive rules of general applicability adopted as authorised by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Establishment; and

(E) Each amendment, revision, or repeal of the foregoing.

(1) Each Establishment, in accordance with published rules, shall make available for public interest and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the Establishment and are not published in the Gazette of Pakistan; and

(C) administrative staff manuals and instructions to staff that affect a member of the public.

Each Establishment shall promptly publish, quarterly or more frequently, and distribute by a sale or otherwise copies of establishment manual or instruction that affects a member of the public to be relied on, used or cited as precedent, by an Establishment against a party other than an Establishment only if it has been indexed and published; and the party has actually and timely notice of the terms thereof.

(3) Each Establishment, upon any request for records which reasonably describes such records and is made in accordance with public rules stating the time, place, fees, and procedures to be followed, shall make the records promptly available to any person.

(4)(A) Each Establishment shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such organisation. Documents

shall be furnished without charge or at a reduced charge where the organisation determines that the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On receipt of complaint, if the Ombudsman comes to the conclusion that the records are being improperly withheld from the complainant by the Establishment, order the production of records about which complaint has been made.

(C) Except as to cases the Ombudsman considers of greater importance, proceedings before the Ombudsman in such complaints shall take precedence on the docket over all cases and shall be assigned for hearing or for argument at the earliest practicable date and expedited in every way.

(D) Whenever the Ombudsman orders the production of organizational records improperly withheld from the complainant and assesses against the Federal Government reasonable attorney fees and other litigation costs, and the Ombudsman issues a written finding that the circumstances surrounding the withholding raise questions whether the organization personnel acted arbitrarily or capriciously with respect to the withholding, the Establishment Division shall promptly initiate a proceeding to determine whether disciplinary action is

warranted against an officer or an employee who was primarily responsible for the withholding.

(E) In the event of non-compliance with the order of the Ombudsman, the Ombudsman may punish for contempt the responsible employee.

(5) Each Establishment shall determine within ten days (excepting Fridays and public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the organization in adverse determination; and make a determination with respect to any appeal within 20 days (excepting Fridays and public holidays) after the receipt of such appeal. If on appeal the denial of request for records is in whole or in part upheld, the Establishment shall notify the person making such request to have the option for making a formal reference to the Ombudsman.

(6) Any person making a request to any Federal Establishment for records shall be deemed to have exhausted his administrative remedies with respect to such requests if the establishment fails to comply within the applicable time limit referred to above.

(7) Any notification of denial of any request for records shall set forth the names and titles or positions of each officer responsible for the denial of such request.

(b) This section does not apply to matters that are:

(1) specifically authorized under criteria established by the Official Secrets Act to be kept secret in the interest of national defence or foreign policy;

(2) trade secrets and commerce of financial information obtained from a person in confidence;

(3) medical files and medical examination reports the disclosure of which would constitute a clearly unwarranted investigation of personal privacy;

(4) investigatory record compiled for law enforcement purpose, but only to the extent that the production of such records would (A) interfere with enforcement proceedings; (B) deprive a person of a right to a fair trial or an impartial adjudication; (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (E)

disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel.

(c) On January 1 of each calendar year, or on the date of following January 1 which is not a public holiday, each Establishment shall submit a report covering the preceding calendar year to the Speaker of the National Assembly and to the Chairman of the Senate for referral to the appropriate committees of the Parliament. The report shall include:

- (1) the number of determinations made by such Establishment not to comply with requests for records made to such Establishment and the reasons for each such determination;
- (2) the number of appeals made by persons, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;
- (3) the names and titles or positions of each officer responsible for the denial of records;
- (4) the results of each proceeding pertaining to the recommended disciplinary action against the officer or employee who was primarily responsible for improperly holding records or an explanation as to why disciplinary action was not taken;

(5) a copy of the fee schedule and the total amount of fees collected by the Establishment for making records available under this Act.

Section III Records Maintained on Individuals

(a) Definitions:

(1) The term "Establishment" means an establishment of the Federal Government as defined in Section I;

(2) The term "Individual" means a citizen of Pakistan or an alien lawfully admitted for short or long term residence in Pakistan;

(3) The term "Maintained" includes maintain, collect, use or disseminate;

(4) The term "Record" means any time, collection, or grouping of information about an individual that is maintained by an establishment, including but not limited to, his education, financial transaction, medical history, employment history, and that containing his name, or the identity card number, symbol, or other identifying particulars assigned to the individual, such as a finger or voice print or a photograph;

(5) The term "System of Records" means a group of official records under the control of any establishment from which information is retrieved by the name of individual or by some identification, number, symbol, or other identifying particulars assigned to the individual;

(6) The term “Statistical Record” means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual;

(7) The term “Routine Use” means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) Conditions of Disclosure: No Establishment shall disclose any record which is contained in a system of records by an official means of communication to any person, or to another Establishment, except pursuant to a written request by, or with the prior consent of, the individual to whom the record pertains, unless disclosure of the record would be—

(1) to those officers and employees of the Establishment who have a need for record in the performance of their duties;

(2) to the Census Commissioner for purposes of planning or carrying out a census or survey or related activity;

(3) to a Recipient who has provided the Establishment with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

- (4) to the National Archives of Pakistan as a record which has sufficient history or other value to warrant its continued preservation by the Pakistan Government;
- (5) to another Establishment or to an instrumentality of any governmental jurisdiction, within or under the control of Pakistan, for a civil or criminal law enforcement activity if the activities are authorized by law, and if the head of the Establishment or instrumentality has made a written request to the Establishment which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;
- (6) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;
- (7) to either the National Assembly, or to the Senate, to the extent of matter within its jurisdiction, any committee or sub-committee thereof, any joint committee of the Parliament or sub-committee of any such joint committee;
- (8) to the Auditor General, or any of his authorised representatives, or to the Public Accounts Committee, in the course of the performance of the duties of the Auditor General or of the Public Accounts Committee; or
- (9) Pursuant to the order of a court of law of competent jurisdiction.

(c) Accounting of Certain Disclosures: Each Establishment, with respect to each system of records under its control, shall--

(1) keep an accurate accounting of the date, nature and purpose of each disclosure of record to any person or to another establishment including the name and address of the person or Establishment to whom the disclosure is made;

(2) retain the accounting made for at least 10 years or for the life of the record, whichever is longer.

(d) Access to Records: Each Establishment that maintains a system of record shall—

(1) upon request by an individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him, and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the Establishment may require the individual to furnish a written statement authorizing discussion of that individual" record in the accompanying person" presence;

(2) permit the individual to request amendment of a record pertaining to him and—

- (A) not later than 10 days (excluding Fridays and public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and
- (B) promptly, either—
 - (i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or
 - (ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the Establishment for the individual to request a review of that refusal by the head of the Establishment or an officer designated by the head of the Establishment, and the name and business address of that official;
- (3) permit the individual who disagrees with the refusal of the Establishment to amend his record to request a review of such refusal, and not later than 30 days (excluding Fridays and public holidays) from the date on which the individual requests such review, complete such review and make a final determination;
- (4) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(e) Procedures for the Establishment: Each Establishment that maintains a system of record shall—

(1) maintain in its record only such information about an individual as is relevant and necessary to accomplish a purpose of the Establishment required to be accomplished by a statute or by an executive order of the President;

(2) collect information to the greatest extent predictable directly from the subject individual when the information may result in adverse determination about an individual's rights, benefits, and privileges under the programmes of the Federal Government.

(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual;

(4) maintain all records which are used by the Establishment in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(5) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(6) establish rules of conduct for persons involved in the design, development, operation or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for non-compliance;

(7) establish appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(8) at least 30 days prior to publication of information, published in the Gazette of Pakistan, notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views or arguments to the Establishment.

(f) Establishment Rules: Each Establishment that maintains a system of record shall-

(1) promulgate rules and establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the Establishment shall make the record or information available to the individual;

(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records pertaining to him;

(4) establish procedures for reviewing a request from an individual concerning the amendment of record or information pertaining to the individual, for making a determination on the request, for an appeal within the establishment of an initial adverse determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section;

(5) establish fees to be charged, if any, to any individual for making copies of his record.

(g) Rights of Legal Guardians: For the purposes of section III, the parent of any minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(h) Criminal Penalties:

(1) Any officer or employee of an Establishment, who by virtue of his employment or official position, has possession of, or access to, official records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or establishment not entitled to receive it, shall be guilty of a misdemeanor and fined not more than Rs 5,000/-.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements shall be guilty of a misdemeanor and fined not more than Rs 5,000/-.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an Establishment under false pretense shall be guilty of a misdemeanor and fined not more than Rs 5,000/-.

Section IV Open Meetings

(a) For purposes of this section—

(1) the term “Establishment” means any establishment of the Federal Government headed by a collegial body composed of two or more individual members;

(2) the term “Meeting” means the deliberations of the minimum number or more members of the Establishment who are allowed to take action on behalf of the Establishment where such deliberations determine or result in the joint conduct of the disposition of official business; and

(3) the term “Member” means an individual who belongs to a collegial body of an Establishment.

(b) Except in a case where the Establishment finds that the public interest requires otherwise, every portion of every meeting of an Establishment shall be open to public observation. This provision shall not apply where the Establishment properly determines that such portion or portions of its meeting of the disclosures of such information is likely to—

(1) disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interest of national defence or foreign policy and (B) in fact properly classified pursuant to such executive order;

(2) disclose matters specifically exempted from disclosure by any statute;

(3) disclose trade secrets and commercial or financial information obtained from a person and treated as privileged or confidential;

(4) disclose information of a personal nature where disclosure would constitute a clearly unwarranted investigation of personal privacy;

(5) disclose investigatory records compiled for law enforcement purpose;

(6) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an establishment, responsible for the regulation or supervision of financial institutions;

(7) disclose information the premature disclosure of which would—

(A) in the case of an Establishment which regulates currencies, securities, commodities, or financial institutions, be likely to—

(i) lead to significant financial speculation in currencies, securities or commodities, or

(ii) significantly endanger the stability of any financial institution; or

(B) in the case of any Establishment, be likely to significantly frustrate implementation of a proposed establishment action.

(c) (1) In the case of each meeting, the Establishment shall make public announcement, at least one week before the meeting, of the time,

place and subject matter of the meeting, and the name and phone number of the official designated by the Establishment to respond to request for information about the meeting;

(2) the time or place of a meeting may be changed following the public announcement if the Establishment publicly announces such change at least three days before the meeting is held.

(d) The Establishment shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic/tape recording or minutes of the discussion of any item on the agenda or of any item of testimony of any witness received at the description or testimony as the Establishment determines to contain information which may be withheld in the public interest. Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Establishment shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic/tape recording of each meeting, or portion of a meeting, for the period of at least two weeks after such meeting.

(e) The High Court of Pakistan shall have jurisdiction to enforce the requirements of open meeting as laid down in the aforesaid sections by means of writs of certiorari, mandamus and prohibition. The High Court may,

on the application of any person properly participating in the proceedings of the Establishment, enquire into violations by the Establishment of the requirements of open meeting and afford such relief as it deems appropriate. Nothing in this section authorizes any High Court having jurisdiction solely on this basis to set aside, enjoin, or invalidate any Establishment action other than an action to close a meeting or to withhold information taken or disclosed at any Establishment meeting out of which the violation of this section arose.

(f) Each Establishment shall annually report to the National Assembly regarding its compliance with such requirement, including a tabulation of the total number of Establishment meetings open to the public, the total number of meetings, the reasons for closing such meetings, and a description of any litigation brought against the Establishment under the provisions of Section IV, including any costs assessed against the Establishment in such litigation.

(g) Provisions of section IV do not constitute authority to withhold any information from the Parliament.

Section V Rule Making

(a) General notice of proposed rule making pertaining to each Establishment shall be published in the Federal Register. The notice shall include—

- (1) a statement of the time, place, and nature of public rule making proceedings;
 - (2) reference to the legal authority under which the rule is proposed; and
 - (3) either the terms of substance of proposed rule or a description of the subjects and issues involved.
- (b) After notice required by this section, the Establishment shall give interested persons an opportunity to participate in the rule making through submission of written data, views or arguments, with or without opportunity for oral presentation. After consideration of the relevant matter presented, the Establishment shall incorporate in the rules adopted a concise general statement of their bases and purposes.

Section VI Ancillary Matters

- (a) Under the provision of this section, a person required to appear in person before an Establishment or representative thereof is entitled to be accompanied, represented, and advised by counsel or, if permitted by the Establishment, by other qualified representative. So far as the orderly conduct of public business permits, an interested person may appear before an Establishment or its responsible employees for the presentation, adjustment, or determination of an issue, request, or controversy in a proceeding, whether interlocutory, summary or otherwise, or in connection with an Establishment function. With due regard for the convenience and necessity of the parties or

their representatives and within a reasonable time, each Establishment shall proceed to conclude a matter presented to it.

(b) Prompt notice shall be given of the denial in whole or in part of a written application, petition, or other request of an interested person made in connection with any Establishment proceeding. Except in affirming a prior denial or when the denial is self-explanatory, a notice shall be accompanied by a number of statements of the grounds for denial.

**Section VII Hearings; Presiding Employees; Powers and Duties;
Burden of Proof; Evidence; Record as Basis of Decision**

(a) Subject to public rules of the Establishment and within its powers, employees presiding at hearings may—

- (1) demonstrate oaths and affirmations;
- (2) issue summons authorized by law;
- (3) receive relevant evidence;
- (4) take dispositions or have dispositions taken when the ends of justice would be served;
- (5) regulate the course of hearing;
- (6) hold conferences for the settlement or simplification of the issues by consent of the parties; and
- (7) dispose of procedural requests or similar matters.

(b) Except as otherwise provided by a relevant statute, the proponent of a rule or order has the burden of proof. Any oral or documentary evidence may be received but the Establishment as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative and substantive evidence. A party is entitled to present his/her case or defence by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licences, an Establishment may, when a party will not be prejudiced thereby, adopt procedure for the submission of all or part of the evidence in written form.

(c) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with this section, and, on payment of a lawful prescribed costs, shall be made available to the parties. When an Establishment decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled on timely request, to an opportunity to show the contrary.

Section VIII Initial Decisions; Conclusiveness; Review by the Establishment Submissions by Parties; Contents of Decisions; Record

(a) This section applies, according to the provision thereof, when a hearing is required to be conducted in accordance with this law.

(b) An employee qualified to preside at the hearing shall initially decide the case unless the Establishment requires, either in specific cases or by general rule, the entire record to be certified by the Establishment as a prerequisite to decision. When the presiding employee makes an initial decision, that decision then becomes the decision of the Establishment without further proceedings unless there is an appeal to, or review on motion of, the Establishment within time provided by rule. On appeal from or review of the initial decision, the Establishment has all the powers, which it would have in making the initial decision except as it may limit the issues on notices or by rule. When the Establishment makes the decision without having presided at the deposition of the evidence, the presiding employee qualified to preside at hearing shall recommend a decision. —

(c) Before a recommended, initial, or tentative decision, or a decision on review by the Establishment of the decision of subordinate employees, the parties are entitled to a reasonable opportunity to submit for the consideration of the employees participating in the decisions--

(1) proposed findings and conclusions; or

(2) exceptions to the decision or recommended decision of subordinate employees; and

- (3) supporting reasons for exceptions or proposed findings or conclusions.

The record shall show the ruling on each finding, conclusion or exception presented. All decisions, including initial, recommended, and tentative decisions, are a part of the record and shall include a statement of --

- (A) finding and conclusions, and the reasons or bases therefor, on all the material issues of fact, law, or discretion presented on the record; and
- (B) the appropriate rule, order, sanction, relief, or denial thereof.

Section IX Adoption of Rules

(a) In addition to other rule making requirements imposed by law, each Establishment shall:

- (1) adopt as a rule a description of its organization, stating the general course and method of its operation and the methods whereby the public may obtain information or make submissions or requests;
- (2) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the Establishment;
- (3) make available for public inspection all rules and all other written statements of policy or interpretation formulated, adopted, or used by the Establishment;

- (4) make available for public inspection all final orders, decisions, and opinions.
- (b) No established rule, order or decision is valid or effective against any person or property nor may it be invoked by the Establishment for any purpose, until it has been made available for public inspection as herein required.

Section X Procedure for Adoption of Rules

- (a) Prior to the adoption, amendment, or repeal of any rule, the Establishment shall:
 - (1) give at least 20 day's notice of its intend action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely request of the Establishment for advance notice of its rule making proceedings and shall be published in the Gazette of Pakistan.
 - (2) afford all interested pers9ns reasonable opportunity to submit data, views or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by any

20 persons, of a governmental sub-division or Establishment, or by an association having not less than 20 members. The Establishment shall consider fully all written and oral submissions respecting the proposed rules. Upon adoption of a rule, the Establishment, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption incorporating therein its reasons for overruling the consideration urged against its adoption.

(b) If an Establishment finds that an imminent peril to the public health, safety, or welfare require adoption of rule upon fewer than 20 days notice and states in writing its request for that finding, it may proceed without prior notice or hearing or upon short notice or brief hearing that it finds practicable to adopt an emergency rule.

(c) A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within two years from the effective date of the rule.

Section XI Taking Effect of Rules

(a) Each Establishment shall file in the office of the Cabinet Secretary a certified copy of each rule adopted by it, including all rules existing on the

effective date of this Act. The Cabinet Secretary shall keep a permanent Register of the rules open to public inspection.

- (b) Each rule hereafter adopted is effective 20 days after filing except that:
 - (1) if a later date is required by statute or specified in the rule, the later date is the effective date;
 - (2) subject to applicability of constitutional or statutory provisions, an emergency rule become effective immediately upon filing with the Cabinet Secretary, or at a stated date less than 20 days thereafter, if the Establishment finds that this effective date is necessary because of imminent peril to the public health, safety or welfare. The Establishment's finding and a brief statement of the reason therefor shall be filed with the rule. The Establishment shall take appropriate measures to make emergency rules known and also the persons who may be affected by them.

Section XII Publication of Rules

- (a) The Cabinet Secretary shall compile, index, and publish all effective rules adopted by each Establishment. Compilation shall be supplemented or revised as often as necessary, and at least once every two years.

(b) The Cabinet Secretariat shall publish a monthly bulletin setting forth the text of all rules filed during the preceding month including rules that became ineffective upon the adoption of this Act.

(c) The Cabinet Secretary may omit from the bulletin or compilation any rule the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if the rule in printed or processed form is made available on application to the adopting Establishment, and if the bulletin or compilation contains a notice stating the general subject matter of the omitted rule and stating how a copy thereof may be obtained.

(d) Bulletin and compilations shall be made available upon request to all Establishments of the Federal Government free of charge and to other persons on prices fixed by the Cabinet Secretary to cover mailing and publication costs.

Section XIII Petition for Adoption of Rules

An interested person may petition an Establishment requesting the promulgation, amendment, or repeal of a rule. Each Establishment shall prescribe by rule the form for petitions and the procedures for their submission, consideration, and disposition. Within 30 days after submission

of a petition, the Establishment shall deny the petitioner in writing or shall initiate rule making proceedings in accordance with Sections IX and X.

Section XIV Declaratory Judgment on Validity or Applicability of Rules

The validity or applicability of a rule may be determined in an action for declaratory judgment in the District Court if it is alleged that the rule or its threatened application, intervenes or impairs, or threatens to interfere with or impairs the legal rights or privileges of the plaintiff. The Establishment concerned shall be made a party to the Government. A declaratory judgment may be rendered whether or not the plaintiff has requested the Establishment to pass upon the validity or applicability of rule in question.

Section XV Declaratory Rulings by Establishment

Each Establishment shall provide by rule for the filing and prompt disposition of petition for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the Establishment. Rulings disposition by petitions will have the same status as Establishment decisions or orders in contested cases.

Section XVI Contested Cases; Notice; Hearing; Records

- (a) In a contested case, all parties shall be afforded an opportunity for hearing on reasonable notice.
- (b) The notice shall include:
 - (1) a statement of the time, place and nature of the hearing;
 - (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - (3) a reference to the particular sections of the statutes and rules involved;
 - (4) a short and planned statement of the matters asserted. If the Establishment or other parties are unable to state the matters in detail at the time the notice is served, initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- (c) Opportunity shall be afforded to all parties to respond and present evidence and arguments on all issues involved.
- (d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- (e) The record in a contested case shall include:
 - (1) all pleadings, motions, intermediate rulings;
 - (2) evidence received or considered;
 - (3) a statement of matters officially noticed;

- (4) questions and offers of proof, objections, and rulings thereon;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the officer presiding at the hearing;
- (7) all staff memoranda or data submitted to the hearing officer or members of the Establishment in connection with their consideration of the case.

Section XVII Rules of Evidence; Official Notice

In contested cases:

- (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the District Courts shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Establishments shall give effect to the rules of privilege recognised by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the

interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(2) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

(3) a party may conduct cross examinations required for a full and true disclosure of the facts;

(4) notice may be taken of judicially cognisable facts. In addition, notice may be taken of generally recognised technical or scientific facts within the Establishment's specified knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Establishment's experience, technical competence, and specialised knowledge may be utilised in the evaluation.

Section XVIII Examination of Evidence by the Establishment

When in a contested case a majority of officials of the Establishment who are to render the final decision have not heard the case or read the record, the

decision, if adverse to a party to the proceeding other than the Establishment itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral arguments to the officials who are to render the decision. The proposal for decision shall contain a statement of the reason therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

Section XIX Decisions and Orders

A final decision or order adverse to a party, in a contested case, shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with rules of the Establishment, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney.

Section XX Ex-parte Consultations

Unless required for the disposition of ex-parte matters authorised by law, members or employees of an Establishment assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of facts, with any person or property, not, in connection with any issue or law, with any party or his representative, except upon notice and opportunity for all parties to participate.

Section XXI Petitions

Every Establishment shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule.

Section XXII Adjudication

In every case of adjudication required by statute, to be determined on the record after opportunity for a hearing is afforded by the Establishment, except to the extent that there is involved (1) any matter subject to a subsequent trial of the law and the facts de novo in any court; (2) proceedings in which decision rests solely on inspections, tests, or elections; (3) the conduct of military, naval, air force, or foreign affairs functions; and (4) cases in which an Establishment is acting as an agent for a court.

Section XXIII Authority and Functions of Officers and Employees

The same officers who preside on the reception of evidence shall make the recommended decision or initial decision except where such officers become unavailable to the Establishment. Save to the extent required for the disposition of ex-parte matters as authorised by law, no such officer shall consult any person or party on any fact and issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the provision or direction of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for any Establishment in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or review by Establishment except as witness or counsel in public proceedings.

Section XXIV Applications for Licences; Suspension; Revocation, and Expiration of Licences

(a) When application is made for licences required by law, the Establishment, with due regard for the rights and privileges of all the interested parties or those adversely affected and, within a reasonable time, shall set and complete proceedings required to be conducted under relevant

law and shall make its decision. Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, the withdrawal, suspension, revocation, or annulment of a licence is lawful only if, before the institution of Establishment proceedings therefor, the licensee has been given--

- (1) notice by the Establishment in writing of the facts and conduct which may warrant the action;
- (2) opportunity to demonstrate or achieve compliance with all lawful requirements.

Section XXV

(a) When the grant, denial, or renewal of a licence is required to be preceded by notice and opportunity for hearing, the provision of this Act concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a licence or a new licence with reference to any activity of a continuing nature, the existing licence does not expire until the application has been finally determined by the Establishment, and, in case the application is denied or the terms of the new licence limited, until the last date for seeking review of the order issued by the Establishment or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment, or withdrawal of any licence is lawful unless, prior to the institution of proceedings by the Establishment, the Establishment gives notice by mail to the licensee of facts or conduct which warrant the intended action and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the licence. If the Establishment finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a licence may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Section XXVI Appointment of Examiners

Subject to the civil service and other laws to the extent not inconsistent with this Act, there shall be appointed by and for each Establishment as many qualified and competent Hearing Examiners as may be necessary for proceedings under this Act, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as Hearing Examiners. Hearing Examiners shall be removable by the Establishment in which they are employed only for good cause established and determined by the Federal Public Service Commission after opportunity for hearing and upon the record thereof.

Section XXVII Impairment of Rules

Nothing in this section shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by a statute, or otherwise recognised by law, or all requirements or privileges relating to evidence or procedure shall apply equally to the Establishments and to the persons. No subsequent legislation shall be held to supersede or modify the provisions of this section except that such legislation shall do so expressly.

Section XXVIII Judicial Review of Contested Cases

(a) A person who has exhausted all administrative remedies available within the Establishment and who is aggrieved by a final decision in a contested case is entitled to judicial review under this Act. This section does not limit utilisation of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural or intermediate action by the is immediately reviewable if review of the final decision taken by the Establishment would not provide an adequate remedy.

(b) Proceedings for review are instituted by filing a petition in the District Court having jurisdiction to accept petitions on the subject of administrative procedures within 30 days after mailing notice of the final decision of the

Establishment or, if a rehearing is required, within 30 days after the decision thereon. Copies of petition shall be served upon the Establishment and all parties on record.

(c) The filing of the petition does not itself stay enforcement of the decision taken by the Establishment. The Establishment may grant, or the reviewing court may order, a stay upon appropriate terms.

(d) Within 30 days after the service of the petition, or within further time allowed by the court, the Establishment shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreligably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require for permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Establishment, the court may order that the additional evidence be taken before the Establishment upon conditions determined by the court. The Establishment

may modify its findings and decisions by reasons of the additional evidence and shall file that evidence and any modifications, new findings or decisions by the reviewing court.

(f) In cases of alleged irregularities in procedure before the Establishment, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear the oral argument and receive written briefs.

(g) The court shall not substitute its judgement for that of the Establishment, as to the weight of the evidence, on questions of fact. The court may affirm the decision of the Establishment or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional or statutory provisions;
- (2) in excess of the statutory authority of the Establishment;
- (3) made upon unlawful procedure;
- (4) affected by error of law;
- (5) clearly erroneous in view of the reliable, probative , and substantial evidence on the whole record; or

- (6) arbitrary or capricious or characterised by abuse of discretion or clearly unwarranted exercise of discretion.

Section XXIX Appeals

An aggrieved party may obtain a review of any opinion rendered by the High Court under this Act, by appeal to the Supreme Court. The appeal can be accepted for hearing and final decision at the discretion of the Supreme Court.

Section XXX Severability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Act are severable.

Section XXXI Taking Effect of the Act

This Act shall take effect with effect from ----- and shall apply to all Establishments of the Federal Government of Pakistan whether located at Islamabad or at other places within the territorial jurisdiction of Pakistan.

PROLOGUE

The main purpose of the draft of the Administrative Procedure Act for the Federal Government of Pakistan proposed above is the requirement that every establishment of Federal Government should separately state and currently publish: (a) descriptions of its organisation incorporating accounts of delegations made to lower tiers and the established places at which, and the methods whereby, the public may secure information or make submittals or requests; (b) statements of general ways and methods by which its functions are channelled and determined, including the nature and requirements of all formal and informal procedures available as well as forms and instructions as to the scope and contents of all reports; and (c) statements of general policy or interpretations formulated and adopted by the department for the guidance of the public. In addition to that, the department should publish and make available to public for inspection all final opinions or orders in the adjudication of cases.

General notice of proposed rule making having a direct bearing on the interests of the public should appear in the press at least thirty days in advance. The notice should include (a) a statement of the time, place, and nature of public rule making proceedings, (b) reference to the authority under which the rule is proposed, and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved. After notice as suggested above is given, the department should afford interested persons an opportunity to participate in the rule-making through submission of written views, or argument; and after consideration of all

relevant matter presented, the department should incorporate in the rules adopted a concise general statement of their basis and purposes. It should be the procedure of every department to accord any interested person the right to petition for the issuance, amendment or repeal of a rule.

Any person required to appear in person before any department of the government should be accorded the right to be accompanied, represented, and advised by a counsel. As far as the orderly conduct of public business permits, any interested person may appear before any department for determination of any issue or controversy in any proceeding. The departments should proceed with reasonable despatch to conclude any matter presented to them except that due regard should be had for the convenience and necessities of the parties.

Officers of various departments presiding at hearings should have authority, subject to the published rules of the establishment and within its powers, to (a) receive relevant evidence, (b) take or cause dispositions to be taken wherever the ends of justice would be served thereby, (c) regulate the course of the hearings, (d) hold conferences for the settlement or simplification of issues by the consent of the parties, (e) dispose of procedural requests or similar matters.

Every party should be given the right to present his case or defence by oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

Prior to each recommended, initial or tentative decision, the parties should be afforded a reasonable opportunity to submit for the consideration of the officers participating in such decisions (1) exceptions findings and conclusions or (2) exceptions to the decisions or recommended decision of officers, and (3) supporting reasons for such exceptions or proposed findings for conclusions. All decisions should become a part of the record and should include a statement of (a) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (b) the appropriate rule, order, sanction, relief, or denial thereof.

Not only the persons affected by an administrative decision should be entitled to have his case heard by the department entrusted with its determination, but he should also be allowed to insist on his case being heard by an impartial officer, one free from bias. Bias in this context has usually meant that the decision maker must have no financial interest in the matter under dispute, and must not have bias. Bias in this context has usually meant that the decision maker must have no financial interest in the matter under dispute, and must not have been personally involved with the person challenging the administrative decision.

The main idea behind the proposed administrative procedures for all departments under the government is that no adjudicatory or administrative action should be taken affecting adversely the rights of any citizen, except upon a hearing wherein each party is given an opportunity to know of the claims of his opponents, to hear the evidence introduced against him, to cross-examine witnesses, to introduce evidence in his own behalf, and to make argument. This is a requirement of the process which is a prerequisite for the building of better image of and confidence in the government. It should be made compulsory for all departments whose functions are concerned with the affairs of the public.