

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 1990-06/2022

Nadeem Umer

Vs

Directorate of Civil Defence

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Nadeem Umer filed an e-mail request under the Right of Access to Information Act, 2017. Through his application dated May 30, 2022 addressed to the Admin, Civil Defence, Government of Pakistan he has sought the following information:

- a. *“List of the departmental inquiries conducted from 1st Jan 2017 to date, along with the details of complaint/allegation, name of accused officials and their designation.*
- b. *Provide the name and designation of each inquiry committee members.*
- c. *Certified copy of each inquiry report.*
- d. *Details about the implementation on the recommendation of each inquiry committee.*
- e. *List of the pending (on-going) inquiries that are initiated against the officers / officials of Civil Defence along with the date on which the inquiry was initiated, list of each inquiry committee members from Jan 2017 to date.*
- f. *Details about the time period given in the rules / regulation to conclude any departmental inquiry.*
- g. *What action has been taken against the officers / officials / members of the inquiry committee who are failed to conclude the inquiries within the stipulated time period given in the rules / regulations / laws?*
- h. *Copy of the relevant rules / regulation regarding the departmental inquiries.”*

2. Feeling aggrieved for the non-provision of information within the period stipulated under the Act, he has filed appeal before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Administration Officer (A&C), Directorate General Civil Defence, Ministry of Interior vide letter dated 30.06.2022 responded the notice of the Commission as under:

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- a. *“An inquiry was conducted by the Directorate General against the following officials:*
 - *Mr. Tariq Mehmood Alam, Superintendent*
 - *Mr. Naeem ul Umar, UDC*
 - *Mr. Muhammad Shafique, Drive.*
- b. *The name and designation of inquiry committee members are as follow:*
 - *Mr. Ghulam Sarwar, Commandant, FCDTS, Muzaffarabad Chairman.*
 - *Mr. Amanullah, Senior Instructor, NIFTECH, Islamabad Member.*
- c. *Exempted under PIC Act Clause 16 (f), which reads as under:*
“Information is exempted if its disclosure is likely to endanger life, liberty, health or safety of any individuals.
- d. *The accused officials were suspended and inquiry was conducted latter on they were reinstated after imposing minor penalty and were placed on special report for the period of 06 months.*
- e. *There is no pending/on-going inquiry in the department.*
- f. *As per rule six months’ time period is required to conclude the inquiry.*
- g. *Our inquiries were solved within stipulated time hence the reply in this regard is Nil.”*

4. The appellant is not satisfied to the extent of reply pertaining to the inquiry report withheld by the public body claiming it as exempted under section 16(f) of the Act for the reason that its disclosure is likely to endanger life, liberty, health or safety of any individuals.

C. COMMISSION’S VIEW

5. The appellant is looking for the departmental inquiries conducted from 1st Jan 2017 to date, along with the details of allegation, name of accused officials and their designation, name and designation of each inquiry committee members, copy of each inquiry report and other incidental information thereto detailed in his application.
6. The respondent public body has provided all the information and record sought by the appellant less the inquiry report claiming it exempted under section 16(f) of the Act with the explanation that its disclosure is likely to endanger life, liberty, health or safety of any individuals. The glimpses can of section 16(f) transpires that it is related to the matters linked with the life, liberty, health and safety of any person, nothing to do with the matters pertaining to the departmental inquiries. In fact section 5(i) of the Act deals with the inquiries encircling the inquiry or investigative reports having attained finality as public record within the meanings of the Act that should

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have been published including uploading over the internet in a manner that best ensures its accessibility to the public at large as instructed in

the Act. The reference of section 16(f) by the public body for claiming exemption from disclosure is inapt and irrelevant and misleading too, hence does not rescue the public body of its statutory obligation of sharing the inquiry report with the appellant.

7. The article 19A of the Constitution of Islamic Republic of Pakistan, 1973 envisages the access to information as a fundamental right that cannot be abridged, delayed or denied at the whims of the beurocratic hierarchy by using the delaying tactics.
8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

9. The appeal is allowed. The Administration Officer (A&C), Directorate General Civil Defence, Ministry of Interior, is directed to furnish the appellant the certified copies of each inquiry report, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 23.08.2022

Certified that this order consists of 03 pages, each page has been read and signed.