

**Pakistan Information Commission**  
1<sup>st</sup> Floor, National Arcade, 4-A Plaza  
F-8 Markaz, Islamabad  
Website: www.rti.gov.pk  
Phone: 051-9261014  
Email: appeals@rti.gov.pk  
@PkInfoComm



**In The Pakistan Information Commission, Islamabad**

**Appeal No 1563-12/21**

**Rana Abrar Khalid**

(Appellant)

Vs.

**Cabinet Division**

(Respondent)

**ORDER**

**Date:** May 30, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Mr. Rana Abrar Khalid dated December 24, 2021, stating that he submitted information request dated December 09, 2021 under the Right of Access to Information Act 2017 to the Deputy Secretary (Cood) / Public Information Officer, Cabinet Division. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

2. The information sought by the Appellant is as under:

“ I would like to know that after winning the General Election 2021 of AJK on July 25, the PRIME Minister of Pakistan Imran Khan interviewed the PTI MLAs for the selection of the candidate for the Prime Minister of Azad Jammu and Kashmir, was the government helicopter used to bring/transport AJK MLAs from various constituencies of Azad Kashmir to Islamabad during July 26, 2021 to August 4, 2021 which is reserved for the PM of Pakistan.

2. If the answer is yes, then in what capacity was the helicopter (reserved for the Prime Minister of Pakistan) used to bring PTI MLAs of AJK to Islamabad for the interview of PMAJK during the July 25, 2021 to August 4, 2021 does the law allow it? Did the Prime Minister Imran Khan pay the bill for the use of government helicopter for this purpose from his own pocket?

3. How can Prime Minister of Pakistan sent the government helicopter to bring the newly elected PTI MLAs of AJK to Islamabad for the interviews of PMAJK in which authority permitted the flights of government helicopter (reserved for PM

*Pakistan) from Islamabad to AJK and AJK to Islamabad during July 25, 2021 to August 4, 2021/ What is the number of flights helicopter (reserved for the Prime Minister of Pakistan) from Islamabad to Asad Jammu and Kashmir and from Azad Jammu & Kashmir to Islamabad during July 25, 2021 to August 4, 2021, for PMAJK interviews to bring PTI MLAs of AJK or for any other purpose?*

*3. Please provide the flight record (by date) and also provide the separate list of passengers of every flight of the helicopter (reserved for the Prime Minister of Pakistan) from Islamabad to Azad Jammu and Kashmir to Islamabad during July 25, 2021 to August 4, 201 according to the official record.”*

## **B. Proceedings:**

3. Through a notice dated January 03, 2022, sent to Deputy Secretary (Coord) / Public Information Officer, Cabinet Division, the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied with in the given time.
4. The appeal was fixed for hearing on February 15, 2022 and both parties were informed through notices sent on January 13, 2022.
5. Mr. Muhammad Abdul Rafe, Section Officer (Squadron), Cabinet Division appeared before the Commission in the hearing held on February 15, 2022 and requested time for submission of the response. The hearing was adjourned for March 01, 2022.
6. The appeal was again fixed for hearing March 15, 2022. Mr. Riaz Ahmed, Deputy Secretary (Awards), Cabinet Division appeared before the Commission and submitted response which is as under:

*“2. It is submitted that the matter, after hearings at PIC, has already been taken up with concerned authorities pertaining to sensitive and security related information, i.e. VVIP missions. It is informed that such information is classified and Islamabad High Court has granted stay in a similar case, i.e. writ petition 2884/2021 vide order dated 7<sup>th</sup> of October, 2020, in favour of the Cabinet Division with regard to provision of such sensitive information. The appeal by Rana Abrar Khalid also relates to the demand of sensitive information, which this Division is constrained not to provide, as it is classified and covered under Section 7 of the Pakistan Information Commission Act, 2017, providing exclusion of certain record and exemption sought by this Division under Sub Section 7 (e), 16 (b) (v) & (f).*

*3. Foregoing in view, the Pakistan Information Commission is requested to kindly drop the proceedings and cancel the summon for hearing on 01-03-2022, as the matter is subjudiced and stay in this Division’s favour has already been granted by the Islamabad High Court.”*
7. The appeal was fixed for hearing on April 05, 2022, with the directions to the Respondent to produce copy of the Islamabad High Court’s stay order in the WP-2884/2020 mentioned by the Respondent in its response dated February 25, 2022.
13. Mr. Riaz Ahmed, Deputy Secretary (Awards), Cabinet Division and Mr. Muhammad Abdul Rafe, Section Officer (Squadron), Cabinet Division appeared before the Commission on behalf of Respondent and submitted same response dated February

25, 2022 before the Commission. The Respondent is failed to produce stay order in Writ Petition that is mentioned in their response.

### C. Discussion and Commission's View on Relevant Issues:

14. The commission has to decide:
  - i. Whether the requested information falls within the ambit of public document under the Right of Access to Information Act, 2017, hereafter referred to as the "Act, 2017" or not?
15. This Commission through an Order in Appeal No 294-02/20 Shehzad Ahmed Khan Vs. Cabinet Division held that the record related to the helicopter being used by the Prime Minister does not fall within the ambit of Section 7(e).
16. Section 7 (e) of the Act is as under:

*"e) Records relating to defense forces, defence installations or connected therewith and ancillary to defence an national security excluding all commercials and welfare activities"*
17. The information requested by the Appellant in the instant appeal is not related to defense installations or connected therewith.
18. The Respondent in its response also claimed that Honorable Islamabad High Court has granted stay order in a similar case, but despite multiple opportunities the Respondent failed to produce any court order which bar this Commission from proceedings on any appeal related to the requested information. In any case, the subject matter of the instant Appeal is entirely different from the one requested in Appeal No. 294-02/20 Shehzad Ahmed Khan Vs. Cabinet Division and hence requires detailed judgement of this commission.
19. This Commission maintains that The requested information belongs to the category of information which public bodies are legally bound to proactively disclose, through their web sites, under Section 5 (1) (g) of the Act. The requested information is also public information under Section 6 (b) of the Act.
20. This commission also holds that the disclosure of the requested information Is not only warranted by the letter and spirit "of the Act, 2017" but its disclosure is a matter of public importance.
21. This commission finds it unfortunate that the Respondent, Cabinet Division is reluctant to provide such basic Yes/No answer as to whether, or, not official helicopter under the use of the PM was used "to bring/transport AJK MLAs from various constituencies of Azad Kashmir to Islamabad", as requested by the Appellant.
22. This commission maintains that the public interest dictates that citizens of Pakistan have the right to know, if at all, government helicopter was indeed "*used to bring PTI MLAs of AJK to Islamabad for the interview of PMAJK during the July 25, 2021 to August 4, 2021*", and under what rules such a use was authorized."
23. This commission finds it ironical that the Respondent, Cabinet Division has refused to share the relevant Rules pertaining to the use of official helicopter which should have been available on its web site as required under Section 5 (b) of the Act, 2017. The

disclosure of these Rules would reveal whether or not the PM can use official helicopter, if so, under what terms and conditions and whether or not those terms and conditions were fulfilled.

**D. Order**

24. Appeal is allowed. Secretary, Cabinet Division is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
25. Copies of this order be sent to Secretary, Cabinet Division and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

May 30, 2022

This order consists of 4 (four) pages, each page has been read and signed