



In the Pakistan Information Commission, Islamabad

Appeal No 1740-02/22

Naeem Sadiq

(Appellant)

Vs.

Ministry of Foreign Affairs

(Respondent)

ORDER

Date: October 19, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated February 08, 2021, to Foreign Secretary, Ministry of Foreign Affairs on November 05, 2021 stating that he submitted an information request to the under the Right of Access to Information Act 2017 but did not receive any response from the public body.

2. The information sought by the Appellant is as follows:-

- i. *“Kindly provide a certified true copy of letter that you wrote to provinces between 1.1.2015 and 30.11.2021, in which you “recommended” as to who can hunt how many Houbara Bustards.*
- ii. *AS it is on record that in the past, many of these hunters have far exceeded the hunting quota (one killing as many as 2000 extra Houbara Bustards), Kindly describe if you have a system to carry out any back ground checks on the character of these visitors. Kindly also mention what punitive actions were taken by you after your visitors grossly violated your “recommended” number of killing. Where the individuals barred from future hunting.*
- iii. *Kindly confirm the name of the hunter who was escorted Sindh Assembly MPA Jam Owais and engaged in hunting Houbara Bustards near Thatta Sindh on 2 November 2021. Kindly also confirm if he was hunting our rare birds with your due “recommendation” to the Sindh province.*

- iv. *Kindly provide the above information and certified records within 10 working days as stipulated in the law.*

B. Proceedings

3 The record on the file suggests that the Respondent submitted its first response on the intervention of this commission on March 15, 2022 and its text is as under:

“As per Ministry’s legal obligations under the ‘Right of Access to Information Act 2017, and upon the Information Commissioner’s directives in the aforementioned appeal, it is informed that the subject information is under submission for classification as “confidential”, A copy of this U.O. Note is also being sent to eh petitioner Mr. Naeem Sadiq (Appellant).

The above information is true to the best of knowledge and correct as per available record.”

4 Hearing on the instant Appeal was fixed for October 06, 2022 vide letter dated September 26, 2022. The Respondent was represented by M. Umar, Assistant Director, and Ministry of Foreign Affairs.

5. The Respondent submitted its second response on October 04, 2022 and its text is as under:

“As per this Ministry's legal obligations under the Right of Access to Information Act 2017' and upon the Information Commissioner's directives in the aforementioned appeal, response to the query by the petitioner is attached. A copy of this U.O. Note is also being sent to the petitioner.

The above information is true to the best of my knowledge and correct as per available record.”

Certified true copy of each letter written to provinces between 1.1.2015 and 30.11.2021, where it was "recommended" as to who can hunt how many Houbara Bustards.

Reply: The requested information was classified by the Minister in Charge under Section 7 (f) of the Right of Access to Information Act, 2017. As it is on record that in the past, many of these hunters have far exceeded the hunting quota (one killing as many as 20000 extra Houbara Bustards), kindly describe if you have a system to carry out any background check on the character of these visitors. Also mention what punitive actions were taken by you after your visitors grossly violated your "recommended number of killings were the individuals barred from future hunting?

Reply: The requested information is not held by the Ministry of Foreign Affairs as it is not responsible for monitoring compliance of hunting quota granted to foreign dignitaries. The Ministry of Climate Change as well as Provincial Wildlife Boards is responsible for ensuring that foreign dignitaries do not exceed the hunting quota granted to foreign dignitaries Confirm the name of the hunter who was escorted by Sindh Assembly MPA Jam.

Owais and engaged in hunting Houbara Bustards near Thatta, Sindh on 2 November 2021. Also confirm if he was hunting rare birds with your due "recommendation" to the Sindh province.

Reply: The requested information is not held by the Ministry of Foreign Affairs, whereas it is advised the applicant may seek such information from the Provincial Wildlife Board of Sindh”.

C. Issues

6 The instant appeal has brought to the fore the following issue:

“Can the requested information:” Certified true copy of each letter written to provinces between 1.1.2015 and 30.11.2021, where it was "recommended" as to who can hunt how many Houbara Bustards be disclosed under the Right of Access to Information Act, 2017.”

D Discussion and commission’s views on relevant issues:

7 This commission notes that the Minister-in-Charge has classified under Section 7 (f) of “2017 Act” requested certified copy of “each letter written to provinces between 1.1.2015 and 30.11.2021, where it was "recommended" as to who can hunt how many Houbara Bustards”. However, the Minister-in-Charge has not followed the manner enunciated in the “the 2017 Act” to classify records by recording reasons as to why records cannot be disclosed.

8 As the Minister-in-Charge has not recorded reasons for classifying the requested information/record, this commission is left with no option but to determine as to whether disclosure of the requested letters written to provinces as to who could hunt and how many Houbara Bustards is in public interest and whether harm from disclosure of this information outweighs public interest.

9 While there are strong arguments for the disclosure of the requested information in public interest, this commission is also mindful of the obligation of the state of Pakistan to its people to keep the requested information shrouded in the veil of secrecy in the larger economic interest of the people of Pakistan. In short, the idea is right, the time is not, especially given the interplay between the economic interests of the people of Pakistan and the inter-state relations at the present moment. Hence, the requested information cannot be disclosed under Section 7 (f) and Section 16 (1) (ii) which states that information is exempted from disclosure if “its disclosure is likely to cause damage to the interests of the Islamic Republic of Pakistan in the conduct of International Relation”.

E. Order

10 The Appeal is disallowed as the requested information:” Certified true copy of each letter written to provinces between 1.1.2015 and 30.11.2021, where it was

"recommended" as to who can hunt how many Houbara Bustards" cannot be disclosed under Section 7 (f) and Section 16 (1) (ii) of the Right of Access to Information Act, 2017.

11 Copies of this order be sent to the Respondent and the Appellant for information.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 19.10.2022

Certified that this order consists of 04 pages, each page has been read and signed.