

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1915-05-2022

Abdullah Malik

Vs.

Ministry of Foreign Affairs

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Abdullah Malik, President, Civil Society Network Pakistan filed an application for the provision of information under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through his application dated 28-02-2022 addressed to the Secretary/Public Information Officer, Ministry of Foreign Affairs, Islamabad he has sought the following information and record:

- i. *“Total Members of delegation along with their portfolio / profile and all other detail.*
- ii. *Total expenses occurred along with all detail.*
- iii. *Who bear all expenses state or individual themselves?*
- iv. *The detail of travel history along with booking documents.*
- v. *The role of foreign office regarding this visit.*
- vi. *Purpose of visit along with detail of activities of delegation.*
- vii. *Whether the visit is private or official?*
- viii. *Who arrange all the activities and stay at Kingdom of Saudi Arabia of PM delegation.*
- ix. *Whether anyone else from Join the PM delegation at Saudi Arabia if yes than please mention all details.*
- x. *Please also compare this visit to the visit of ex PM Imran Khan as when he also visited Saudia.*
- xi. *Whether the family members of PM were part of Official meeting with the King Salman as they were present in the meeting if yes than how can an absconder be a part of meeting with the head of state.”*

2. Feeling aggrieved for the non-provision of the information he has filed appeal dated 12.05.2022 before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Spokesperson, Ministry of Foreign Affairs, Islamabad vide letter dated 19.05.2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 22.06.2022 but no one appeared to represent the respondent public body. The appeal was again fixed for hearing on 20.07.2022 and final notice was served to both the parties. On 20.07.2022 Mr. Syed Faraz Raza, Legal Assistant appeared before the Commission to represent the respondent public body. He requested for short adjournment for filing the reply/response to the application hence the appeal was adjourned for 27.07.2022. On 27.07.2022 no one appeared to represent the respondent public body nor is the reply/response submitted.

C. COMMISSION'S VIEW

5. The appellant being a citizen of Pakistan has asked the respondent public body to provide him the information and record pertaining to the visit of Mr. Shahbaz Sharif, the worthy Prime Minister of Pakistan, to Saudi Arabia. He is desirous to know total members of the delegation along with their portfolio / profile and all other detail, total expenses incurred by the state on the visit with all detail, who bore the expenses state or individuals, the purpose of visit along with detail of activities of delegation, whether the family members of PM were part of official meeting with the Crown Prince Mohammad bin Salman as they were seen present in the meeting and if yes, how an absconder can be part of meeting along with the head of state and other information incidental thereto. He is further desirous to know the comparison of the visit with that of Mr. Imran Khan, the Former Prime Minister of Pakistan.
6. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent public body has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored and the reply is not submitted despite the assurance. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the facts and figures are being concealed from the citizens. In such like circumstances the

Commission is left with no option but to decide the appeal ex parte after going through the file in the light of the Act and article 19A of the Constitution of Islamic Republic of Pakistan, 1973.

7. Government spending is made from government revenues and taxes paid by the citizens therefore every citizen has the right to know how his/her taxes are spent, mandatory spending, discretionary spending or in the delivery of public infrastructure and services. Open access to information and record held by the public bodies and governance must be entrenched in democracy and its institutions. The article 19A of the Constitution of Islamic Republic of Pakistan, 1973 provide the citizen right of access to information and record held by the government institutions as a fundamental right that cannot be denied nor delayed at the whims of the beurocratic whims and hurdles as it would amount to infringements of the fundamental right.
8. The citizens consider it matter of public importance as they have the right to know in the public interest whether the visit of the delegation was in the national interest or merely for the purpose of performing umra at the cost and expense of the tax money triggering misuse of authority and power.
9. The detailed budget of the public bodies, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget are the category of information and record that ought to have been published proactively including uploading over the internet in a manner that best ensures its access to the citizen and the taxpayers as mandated in section 5 of the Right of Access to Information Act, 2017, promulgated by the Parliament. The annual budget of the country is aired to the public therefore the public has the right to know the spending of the government of their tax money for comparison, whether it is justified under the rules and regulations and whether it is properly utilized in the best interest of the country.
10. 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 authority and inefficiency in the governance.

D. ORDER

11.The appeal is allowed. The Secretary/Public Information Officer, Ministry of Foreign Affairs, Islamabad is directed to furnish the appellant all the requested information detailed in para 1 supra of this order, 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: August 02, 2022

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