



In the Pakistan Information Commission, Islamabad
Appeal No 1974-06/22

Mubeen Mehr (Appellant)
Vs.
Ministry of Foreign Affairs (Respondent)

ORDER

Date: August 29, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Mubeen Mehr dated June 14, 2022, stating that he submitted an information request dated May 30, 2022 under the Right of Access to Information Act 2017 to the Spokesperson / Public Information Officer, Ministry of Foreign Affairs. 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:

“Adherence to Esta code

Background:

As per Estacode Chapter 7 titled Rules and Procedures Applicable to Occupational Groups/Services. SI. No. 1 sub clause 1.8 Foreign Service of Pakistan (para 12):

“Personnel Wing of Foreign Ministry:

The two top posts in the Personnel Wing of Ministry of Foreign Affairs will be manned by officers, not belonging to Foreign Affairs Group”.

- i. *What steps have been taken by Ministry to implement the above rule?*

Medical Treatment

- I. *Names/designation of all officers of this Ministry who availed medical treatment abroad on government expenses despite having the opportunity to avail free of cost host country’s medical treatment as per rules.*
- II. *Name of city and country where these officers availed medical treatment on government expenses.*
- III. *Expense incurred by the Government officer/station wise, on such medical treatment.*
- IV. *Whether the Ministry confirmed that the medical treatment for all these officers was not available in Pakistan? Please inform each case officer wise.*
- V. *Whether the Ministry of Health permission was sought for their medical treatment abroad?*
Please inform each case officer wise.
- VI. *Whether PIMS Medical Board was constituted to ascertain their medical health? Please inform each case officer wise.*
- VII. *Whether medical fitness certificate was rendered by such officers prior to posting abroad? Please inform each case officer wise.*

Case of CG Birmingham

Background

The then CG, Parep Birmingham, Mr. Ahmar Ismail Vide his fax message No. CB-ADMIN-10/2018 dated 13 February 2019 informed the Ministry that Ms. Madia Ali, a local

employee of the Consulate, lodged a case in which she mainly accused the CG, Mr. Ismail of harassing her. The CG further requested provision of funds of fight the case in the court/tribunal in UK.

- i. Complete documents that Ms. Madia submitted in the UK court/tribunal (copies provided to our authorities) through her attorney including the proofs pertaining to her harassment claim made against the then CG Mr. Ahmar Ismail.
- ii. Whether approval of Law & Justice Division was solicited by the Ministry prior to giving approval to the Consulate to engage private attorney in accordance with Rule 14 of the Rules of Business 1973?
- iii. Total amount of legal fee paid by the Ministry to fight the subject case in UK along with noting of internal approvals of the Ministry/ Depts i.e. M/o Finance, Law etc approvals.”

B. Proceedings

3. Through a notice dated June 22, 2022, sent to Spokesperson / Public Information Officer, Ministry of Foreign Affairs the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. The appeal was fixed for hearing on August 02, 2022 and both parties were informed through notices send on July 18, 2022. No one appeared before the Commission to represent the public body.
5. The appeal was again fixed for hearing on August 23, 2022. However, no one appeared before the Commission to represent the public body in both hearings.

C. Discussion and Commission’s View on Relevant Issues

7. The commission has to decide whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred as Act.
8. The information/documents requested by the Appellant in the instant appeal belongs to the Section 5(e) and 6 (c) of the Act.
9. Section 5(e) is as under:
“e) The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body”.
10. Section 6(c) is as under:
“(c) Information regarding grant of licenses, allotments and other benefits , privileges, contracts and agreements made by a public body;”
10. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”
“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more

accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.

11. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies shows that the public bodies are not ensuring the implementation of the Right of Access to Information Act, 2017.
12. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.
13. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:
“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

D. Order

14. Appeal is allowed. Spokesperson / Public Information Officer, Ministry of Foreign Affairs 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.
15. The Respondent is also directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’. This template is available under ‘Information Desk’ category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
16. Copies of this order be sent to Spokesperson / Public Information Officer, Ministry of Foreign Affairs and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: August 29, 2022

This order consists of 3 (three) pages, each page has been read and signed.