

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 1981-06/2022

Shahzad Rajput

Vs

Excise and Taxation Department, ICT, Islamabad

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Shahzad Rajput filed an application under the Right of Access to Information Act, 2017. Through his application dated 7th April, 2022 addressed to the Director, Excise and Taxation Department, ICT, Islamabad, he has requested the following information:

- a. *“EDUCATION CESS: The Education Cess is collected under “Workers Children Ordinance, 1972, (how many companies/employees are registered and how many fees are collected in the year 2019, 2020, 2021, 2022) with complete detail.*
- b. *BED TAX: The Bed Tax is implemented under the Finance Act of 1965 (how many hotels are situated within the territorial jurisdiction*
- c. *PROFESSIONAL TAX: How many units are registered in professional tax share the detail of Lawyers, Members of Stock Exchanges, Money Changer, Motorcycle Dealers, Motor Car Dealers 7 Real Estate Agents, Health Clubs, Gymnasiums 7 others, Recruiting Agents, Jewelers, Departmental Stores, Electronics Goods Stores, Cable Operators, Printing Press and Pesticide Dealers, Tobacco Vendors – Wholesalers, Medical Consultants or Specialists and Dental Surgeons, Registered Medical Practitioners and others.*
- d. *LIQUOR LICENSE: A liquor license rule is working under probation (enforcement of hadd) rule 1979, detail of License for profession & sale of liquor, detail of liquor permit PR-I & PR-II, detail recovery of Still Head Duty (Excise Duty) on purchase of Liquor / Bear, Pakistan made foreign liquor,*

beer, detail of recovery or Vend fee on sale of liquor, detail of important and local liquor used and about the process to purchase.

- e. ENTERTAINMENT DUTY: Entertainment Duty is collected under the ordinance act, 1958, provide detail on entertainment duty tax how many events were organized in Islamabad and how much tax collection in the last 3 years.*
- f. SPIRIT PERMIT: Provide detail of license for profession & Sale of Denatured spirit, detail of L-42-D Duty on Purchase of Rectified Spirit, detail of L-17 duty on Purchase of Denatured Spirit in last three years.*
- g. TOBACCO VENDEE: How many units registered complete detail of Shopkeepers dealing with the sale/purchase of Tobacco/ Cigarettes?"*

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

B. PROCEEDINGS

- 3. The Director, Excise and Taxation Department, ICT, Islamabad vide letter dated 23.6.2022, 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 27.07.2022 but neither was the reply submitted nor any one appeared to represent the respondent public body.

C. COMMISSION'S VIEW

- 5. 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 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. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defense. In such like circumstances the Commission is left with no option but to

decide the appeal ex parte after going through the file in light of the Act.

6. The bare reading of the request depicts that the information and record sought by the appellant is enlisted in the category of public record as defined in the Act. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.
7. 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

8. The appeal is allowed. The Director, Excise and Taxation Department, ICT, Islamabad is directed to furnish the appellant all the requested information detailed supra in para 1 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 3 (three) pages, each page has been read and signed.