



In the Pakistan Information Commission, Islamabad

Appeal No 1983-06/22

Nadeem Umer (Appellant)
 Vs.
Directorate of Excise and Taxation (Respondent)

ORDER

Date: October 24, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

- This commission has received an appeal from Nadeem Umer dated June 16, 2022, stating that he submitted an information request dated May 25, 2022 under the Right of Access to Information Act 2017 to Directorate of Excise and Taxation. 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.
- The information sought by the Appellant is as under:
"1. Provide a list of Non-Custom Paid (NCP) vehicles which have been confiscated from Jan 2020 to date, along with the details of the make, model and region from where it was confiscated. (Province wise breakup)

No.	Vehicle Description (Make)	Model	Confiscated from. (Province)	Sent/Submitted to Warehouse (Yes / No)

- List of the NCP vehicles which are being used by Government Officials / Departments along with the following information,*

No.	Vehicle Description (Make)	Official Name	Designation	Department	Date from which the vehicle is provided to Official / Department

3. *List of the NCP vehicles which have been requisitioned by the Excise Office to the Chief Commissioner ICT, Deputy Commissioner ICT, and other offices of ICT.*”

B. Proceedings

3. Through a notice dated July 04, 2022 sent to Director, Directorate of Excise and Taxation, 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 23, 2022 and both parties were informed through notices sent on August 02, 2022. No one appeared before the Commission to represent the Respondent in the hearing held on August 23, 2022.
5. The appeal was against fixed for hearing on September 13, 2022 and September 27, 2022. Mr. Asif Jahangir Khan, Inspector, Directorate of Excise and Taxation attended the hearing and requested time for the provision of requested information, which was allowed and hearing was adjourned for October 04, 2022.
6. No one appeared before the Commission to represent and submit response in the hearing held on October 04, 2022.

C. Discussion and Commission’s View on Relevant Issues

7. The commission has to decide that 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 belong to the Section 5 (e) of the Act.
9. The information requested by the appellant is also public record under Section 6 (b) of the Act, which is as under:

“(b) transactions involving acquisition and disposal of property and expenditures are undertaken by a public body in the performance of its duties and functions;”

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 Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite committing the provision of the information to the appellant during the hearings held on September 27, 2022 in Pakistan Information Commission, the public body is reluctant to provide the requested information to the appellant.
12. Disclosure of this information will improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will be able to make the public bodies accountable for their performance.
13. 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 demonstrates that public bodies have not carried out steps for the proactive disclosure of information as required under Section 5 of the Act, 2017.
14. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
15. 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.
16. 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

17. Appeal is allowed. Director, Directorate of Excise and Taxation 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.
18. 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.
19. Director, Directorate of Excise and Taxation is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as

required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.

20. Copies of this order be sent to Director, Directorate of Excise and Taxation and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 24, 2022

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