

INFORMATION COMMISSION ISLAMABAD

Appeal No. 2035-06/2022

Muhammad Hashim

Vs

Federal Board of Revenue

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Muhammad Hashim filed the appeal before the Pakistan Commission on Access to Information, Islamabad, under the Right of Access to Information Act, 2017. Earlier in his separate applications before the Chairman, Federal Board of Revenue and Chief Commissioner, Inland Revenue he has alleged that one Syed Abid Ali Bukhari has evaded to pay the tax and that huge amount is outstanding against him for the tax years 2013-2015 due to the delay in process and for the tax year 2016. In the appeal before this Commission he has requested for the provision of information and record pertaining to his complaint filed against said Syed Abid Ali Bokhari.

B. PROCEEDINGS

2. The Public Information Officer, Federal Board of Revenue, Islamabad vide letter dated 24-08-2022, 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.

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The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 28.09.2022.

C. COMMISSION'S VIEW

3. The appellant initiated a complaint against Syed Abid Ali Bukhari with the allegation that he has evaded to pay the tax and that huge amount is outstanding against him. He has requested provision of the information and record culminated on his complaint so that he may be cognizant of the complaint. The appellant has appended along with the appeal copy of the finding and recommendation recorded by Dr. Asif Mahmood Jah, Federal Tax Ombudsman on the complaint Nos. 2189 & 2190/MLN/IT/2021 initiated by Muhammad Hashim appellant.
4. All the reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports that have been finalized are enlisted in the category of record that ought to have been published and posted on the official website of the public body to make it accessible to the public at large, as mandated in section 5(i) of the Act of 2017. Moreover, the appellant being the initiator of an inquiry in the public interest has highlighted the evasion of tax, reserves his preferential right to know the outcome of his complaint.
5. In all the matters of public importance, the citizens have the right of access to the information and record as enunciated under Article 19A of the Constitution of Islamic Republic of Pakistan, 1973.
6. 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

7. The appeal is allowed. The Public Information Officer, Federal Board of Revenue, Islamabad is directed to furnish the appellant all the requested information and record, 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 11.10.2022

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