

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 332-2-2020

Mohammad Waseem Ellahi
Vs
Ministry of Finance

Date: 28.9.2020

Fawad Malik: Information Commissioner

A. APPEAL:

1. The brief facts of the appeal are that Mr. Mohammad Waseem Ellahi, Advocate filed an information request in the office of Regulations Wing, Ministry of Finance, Islamabad invoking his right under the Right of Access to Information Act 2017. The request was not responded hence the appellant preferred his appeal before the Pakistan Information Commission complaining the non-provision of the information.
2. The detail of the requested information in the application dated 24.1.2020 is reproduced as under;
 1. *“What are the job descriptions, powers, authorities, salaries, perks allowances etc of below mentioned government officials and working mandate of these departments?”*
 - i. *Auditor General of Pakistan.*
 - ii. *Accountant General of Pakistan Revenue.*
 - iii. *Controller General of Accounts.*
 2. *What are the current grades of Steno Typist & Stenographer posts?*
 - i. *Since when last time these were upgraded?*
 - ii. *What are the current recruitment rules for Steno Typist & Stenographers?”*

B. PROCEEDINGS:

3. The Commission vide notice dated 24.2.2020 directed the respondent to provide reasons in writing within seven days as to why the requested information has not been provided to the applicant as under section 14 of the Act each public body is bound to respond to a request as soon as possible and in any case within ten days of the receipt of the request.
4. The Commission, in pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the pandemic Covid 19 and to ensure the

public safety condoned the personal appearance at the time of hearing before the Commission, therefore vide notice dated 20.7.2020 directed the Section Officer R-1, Regulations Wing, Ministry of Finance, to provide the Commission, reply and arguments in writing within fifteen days.

5. Reply and written arguments as directed were not submitted in the office, therefore the appeal after the pandemic pause was fixed for hearing before the Commission on 23.9.2020 and both the appellant as well as the public body were informed accordingly vide notices dated 26.8.2020.
6. No one appeared before the Commission at the time of hearing to represent the public body.

C. COMMISSION'S VIEWS:

7. The three notices served upon the public body by the Commission are not responded. The non-responsive behaviour speaks irresponsibility and non-seriousness on the part of the respondent towards the Commission. It is presumed that either the public body has nothing to offer in the defence or it does not want to file the reply. The Commission is left with no option except to decide the appeal *ex parte* because the factor of time limit is very important in the Act.
8. The appellant has desired the information relating to the job descriptions, powers, authorities, salaries, perks allowances etc of the Auditor General, Accountant General Revenue and Controller General of Accounts of Pakistan and the status of the Stenographers in their departments. *Prima facie* the requested information is the category of record that ought to have been computerized and published including uploading over the internet by the principal officer of each public body within six months of the commencement of the Act.
9. The respondent public body has not acknowledged the application filed by the appellant nor did process the same as required under the Act. The direction to the Section Officer R-1 by the Commission remained unheeded. Neither the reply was submitted nor was the public body represented by any official at the time of hearing before the Commission. The conduct of the officer amounts to wilful and deliberate obstruction in the activity of the Commission and delaying the delivery of the requested information warranting imposition of fine under section 20(f) of the Act. The Commission reserves the power to impose the fine but taking lenient view is directing the responsible to stay careful in future.

10. The Commission has noticed that respondent has so far not appointed the designated officer. The Act requires each public body to notify designated officer within one month of the commencement of the Act.
11. Right of access to the record and information in the matters of public importance is constitutional and statutory right of the citizens provided under the Constitution of Pakistan and the Right of Access to Information Act, respectively which cannot be denied or delayed at the whims of the government hierarchy.
12. Article 19-A of the Constitution and the RTI Act 2017 has empowered the citizens to have access to the record held by the public body. Disclosure of the requested record will improve the participation of the people in public affairs which will be helpful in reducing corruption and inefficiency in the department and promoting the good governance.

D. ORDER:

13. The appeal is allowed. The respondent is directed to provide the appellant the requested information forthwith and in any case not later than seven days of the receipt of this order.
14. Copy of the order be sent to the Secretary Finance to make arrangement for the implementation of the order, notifying the designated officer and proactive disclosure of the record mention in section 5 of the Act.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: 29.9.2020

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