

Pakistan Information Commission

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In Pakistan Information Commission

Appeal No-391-06/2020

Faisal Manzoor Anwar

(Appellant)

Vs.

Ministry of Housing and Works

(Respondent)

ORDER

Date: November 10, 2020

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 20/05/2020 in which he stated that he had requested information from Ministry of Housing and Works, under section 17 of the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 28/04/2020, is as under:
“Certified copy of BO/NIS forms for current budget for FY 2020-21 submitted to Finance Division by this ministry.”

B. Proceedings

3. Through a notice dated 16/06/2020 sent to the Ministry of Housing and Works, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent failed to respond to this notice hence through a hearing notice dated 15/09/2020 they were directed to appear before this Commission on the 22/09/2020.

5. No one appeared before the Commission on behalf of the Respondent

C. Discussion and Commission's View on Relevant Issues

6. The key questions before the Commission are following:
 - a) Whether the requested information belongs to the category of information that should be accessible to public?
 - b) Has the Respondent taken any steps for the implementation of the Right of Access to Information Act 2017?
 - c) Whether the Appeal is maintainable against the Ministry of Housing and Works?
7. The Appellant has inquired about the BO/NIS forms for current budget for FY 2020-21 submitted to Finance Division by the Ministry of Housing and works.
8. Interpretation of the requested information shows that it falls under Section 5 (1) (g) and (h) of the Right of Access to Information act 2017, it is mandatory for the Public Bodies to make such information available on their website, for it to be in the reach of general public.
9. It is a matter of great concern that the Public Body has failed to designate a Public Information Officer to date, in violation of Section 9 of the Act which required the appointment of a PIO within thirty days of the commencement of this Act, consequently defying Section 10 as well as it contains the Functions of the designated PIO.
10. It can be seen that the Public Body did not even consider responding to the information request of the citizen breaching its duty under Section 12 of the Act.
11. The right to Information all around the world is given utmost importance and strictly complied by to promote greater participation of the general public in the matters related to them, it is baffling to see such ignorance of law by a vital department like Ministry of Housing.
12. This ignorance towards the information request and the notices of the Commission shows the mismanagement of affairs in the Public Body.
13. Analysis of the requested information reveals that access to the requested information would aid in bringing transparency and providing greater accountability of the government to the citizens, which the spirit of enactment of this Act.
14. Access to the information relating to budget is the constitutional right of a tax paying citizen.
15. The participation of the citizens in the public affairs must be encouraged; openness of the records will definitely be a stepping stone in reducing the corruption.

16. If the directions of the Commission in this order are not complied by the public body, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

17. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, as per his request at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, the Respondent is 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 by 10/11/2020.

18. Respondent is directed to notify Public Information Officer under Section 9 of the Act, put contact details on their 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.

19. Copies of this order being sent to the respondent and the appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:
November 10, 2020

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

