

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

**APPEAL NO. 669-10-2020**

**Nadeem Umer  
Vs  
Ministry of Climate Change**

Date: 20.11.2020

Fawad Malik: Information Commissioner.

**A. APPEAL.**

1. The brief facts necessitating the filing of the appeal before the Pakistan Information Commission are that Mr. Nadeem Umer filed an information request to the Ministry of Climate Change under the Right of Access to Information Act 2017 in the public interest, but the public body has not responded to the application nor the information has been provided within the stipulated frame of time provided in the Act.
2. The application dated 24 Sep 2020, filed by the applicant reads as follows;

*A commission /committee was constituted on the orders of the Supreme Court of Pakistan for assessment of drinking water vide Suo Motu Case No. 26 of 2018 on 20-11-2019. The commission comprised of Dr. M. Ahsan Siddiqui and Ms. Farzana Altaf Shah DG Pak EPA with direction to inspect 12 companies and prepare a report.*

*With orders, "The above mentioned commission be paid, besides their TA/DA, Rs 100,000/- for inspection and preparation of the report."*

*Whether it is true that Ms. Farzana Altaf Shah is accused of illegally getting Rs 150000 (Rs 1.5 million) from 60 companies total (Rs 900,0000(Rs 9 million) allegedly by harassing and quoting court orders, in the form of cross cheques in her name and deposited in her personal bank account.*

*The former director EPA Zia Ud Din Khattak filed an application on March 29, 2019 in Ministry of Climate Change requesting to conduct a fact finding inquiry regarding the matter discussed above and some other charges of alleged corruption in EPA. (Copy attached)*

*Moreover, another application was filed by another EPA employees Sajid Mahmood on January 28, 2019 regarding the irregularities and alleged corruption in the Pak-EPA. (Copy attached)*

1. *Complete details about the measures taken by the Ministry of Climate Change on the discussed above applications?*

2. *Provide the certified copies of the inquiry committee reports - if any inquiry is conducted.*
  3. *If MOCC did not conducted any inquiry, then mention the reasons of not taking action on these action on these two applications.*
3. The applicant has enclosed with the appeal a copy of application filed by Mr. Zia Ud Din Khattak, former director Environment Protection Agency alleging therein misappropriation of funds and misuse of authority by Ms. Farzana Altaf Shah DG. The relevant part of the application is reproduced as under;

*.....Ms Farzana Altaf Shah unlawfully drawn Rs 150000/- (one lac fifty thousands) from 60 companies total (Rs 900,0000 (NINTY LAC) by harassing and quoting court orders, in form of cross cheque in her name and deposited in her personal account in A/C No. 28444-5 HBL Melody, Islamabad.....*

#### **B. PROCEEDINGS.**

4. Mr. Muhammad Saleem Sheikh, Deputy Director Media & Communication, notified Public Information Officer by the Ministry of Climate Change, vide letter dated 14.10.2020, 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.
5. The reply was not submitted therefore the appeal was set down for hearing before the Commission on 11.11.2020 and both the appellant as well as the respondent were informed accordingly vide notices dated 28.10.2020.

#### **C. COMMISSION'S VIEW.**

6. 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 waived. The reply is not submitted and the hearing before the Commission was not represented by the public body although Public Information Officer is notified by the Ministry and the notices by the Commission were served in his name. It is presumed that the respondent public body is wilfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. 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.

7. The read-through of application displays that the appellant has desired the detail of the measures taken by the ministry, report of the inquiry and if not conducted its reasons vis-à-vis the allegations of misappropriation of funds and misuse of authority levelled by Mr. Zia Ud Din Khattak, former director against Ms Farzana Altaf Shah, Director General, EPA, from the ministry of climate change. It is alleged that the Honourable Supreme Court in Suo Motu Case No. 26 vide order dated 26-11-2019 directed the Commission comprising Dr. M. Ahsan Siddiqui and Ms. Farzana Altaf Shah DG to inspect 12 companies and prepare the report for assessment of drinking water and in lieu thereof she was held entitled for Rs100,000/- besides the TA/DA but instead she has received amount from 60 companies over and above as directed by the Supreme Court by causing harassment and misusing the court order. It is further alleged that she received the cross cheque in her name and deposited in her personal account No. 28444-5 HBL, Melody, Islamabad.
8. The appellant as a citizen in the public interest wishes to know whether any probe or inquiry on the application of Mr. Zia Ud Din Khattak has been carried out by the ministry and what was the final report. The Act mandates the principal officer of each public body to publish including uploading over the internet all categories of record mentioned in section 5, within six months of its commencement. Investigative or inquiry reports that have been finalized are enlisted as category of public record u/s 5(i) of the Act. The appellant invoking his constitutional and statutory right has underlined an imperative issue for seeking information in the public interest. This right cannot be denied or delayed at the whims of the official hierarchy.
9. Since very serious allegations of misappropriation of funds and misuse of authority has been levelled against a public office holder by the appellant. 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 and inefficiency in the governance.
10. The public information officer has caused wilful and deliberate obstruction in disclosure of information to the appellant and to the Commission in its activity towards the implementation of the Act, warranting imposition of fine under section 20(f) of the Act. Taking a lenient view he is warned to be careful in

future in the performance of his duty as designated officer and towards the implementation of the Act.

**D. ORDER.**

11. The appeal is allowed. The Deputy Director (Media and Communication)/ public information officer, Ministry of Climate Change is directed to provide the appellant the requested information forthwith but in any case not later than 7 (seven) days of the receipt of this order.

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 19.11.2020

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