



In The Pakistan Information Commission, Islamabad

Appeal No 781-12/20

Syed Kausar Abbas

(Appellant)

Vs.

Ministry of Religious Affairs and Interfaith Harmony
 Through its Public Information Officer

(Respondent)

ORDER

Date: April 12, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 17-12-2020, to the Commission, stating that he submitted an information request to Director General, Ministry of Religious Affairs and Interfaith Harmony on November 23, 2020 under the Right of Access to Information Act 2017 but did not received any response from the public body.

2. The information sought by the Appellant is as follows:

“You are requested to provide information about steps taken by the public body about proactively publishing each category of information mentioned in Section 5 of the Act on its web site as requested in the following table.

Proactive Disclosure Provisions of Section 5 of the Act	Information to be Proactively Disclosed	Questions	Information (please provide requested information in this column)
Section 5 (1) (a)	Description of the public body’s organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties	Which of this information has been made available on the web site and which is missing? Has the public body published on its web site the directory of officers and the employees	

		along with names, designations, Basic Pay Scales, Salaries, benefits, perks and privileges of the officers and employees?	
Section 5 (1) (b)	Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (c)	Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (d)	Relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body and the criteria, standards or guidelines upon which discretionary powers are exercised by it	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (e)	The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body	Has the public body published on its web site criteria and terms and conditions for all kinds of licenses, permits, consents, approval, grants, allotments or other benefits? Has the public body published on its web site list with names and addresses of those received concession,	

		permit, license or authorization?	
Section 5 (1) (f)	A description of its decision-making processes as defined in the Federal government's secretariat instructions, 2004 and any instructions for the time being in force for the public to provide any input into or be consulted about decision	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (g)	Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget	Which of this information has been made available on the web site and which is missing?	
Section 5 (1) (h)	The methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contact details of the designated officials	Has the public body put on its web site Application Form for seeking information under the Act and 'Schedule of Costs'? (Both the form for filing information request and 'Schedule of Costs' are available on the web site of the commission). Has the public body put the name, designation, official E-mail and contact number of the Public Information Officer on the web site?	
Section 5 (1) (i)	Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized	Has the public body published on its web site all such finalised reports? Which	

		of these reports have been made available and which are missing?	
Section 5 (1) (j)	Such other matters which the principal officer of the public body deems fit to be published in the public interest	Is the public body in the custody of classified records that are more than 20 years old? Have steps been taken to declassify such records under Section 16 (1) (k) of the Act and publish under this provision of the Act?	
Section 5 (1) (l)	Camera footages at public places, wherever available, which have a bearing on a crime	Which of this information has been made available on the web site and which is missing?	

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B. Proceedings

3. Through a notice dated December 21, 2020, sent to Joint Secretary (admn & Finance Wing) / Public Information Officer, Ministry of Religious Affairs and Interfaith Harmony, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through a notice dated January 18, 2021, the Public body was directed to provide written reply and arguments to Pakistan Information commission within 15 days.
5. The Respondent did not submit the response.
6. The Appeal was fixed for hearing on February 18, 2021 and both parties were informed accordingly through a notice sent on February 09, 2021.
7. The Respondent through a letter vide No F.1(52)/2015-Admn dated January 26, 2021 submitted its response which is as under:
“Reference Pakistan Information Commission, Appeal No. 781/12/20 dated 18 January, 2021 on the above subject, it is stated that, the information required in all Sections, except two, is already uploaded on the website of the Ministry while, the information under Section 5 (1) (g) and 5 1 (i) can be checked from the websites of the Finance Division and Auditor General of Pakistan.”

8. Mr. Azizullah Khan, Section Officer, Ministry of Religious Affairs and Interfaith Harmony attended the hearing held on February 18, 2021 and requested time to submit response as requested by the appellant. The hearing was adjourned for February 25, 2021.
9. The Respondent through another letter vide No F.1(52)/2015-Admn dated February 17, 2021 submitted its response which is as under:

“Reference Pakistan Information Commission's Appeal No. 781/12/20 dated 9th February, 2021 on the above subject and to state that the requisite information of all Sections, except two, is already uploaded on the website of the Ministry while, the information under Section 5 (1) (g) and 5 (1) (i) can be checked from the websites of the Finance Division and Auditor General of Pakistan. Link of the Ministry's website is <http://www.mora.gov.pk>”

C. Discussion and Commission's View on Relevant Issues

10. The Respondent, Ministry of Religious Affairs has maintained that “the requisite information of all Sections, except two, is already uploaded on the website of the Ministry while, the information under Section 5 (1) (g) and 5 (1) (i) can be checked from the websites of the Finance Division and Auditor General of Pakistan”.
11. Instead of addressing each question of the Appellant, the Respondent, Ministry of Religious Affairs responded that “the requisite information of all Sections, except two, is already uploaded on the website of the Ministry...”.
12. The web site of the Respondent, Ministry of Religious Affairs does not contain information about the ‘prescribed fee’ to be charged for providing information, as required under Section 5 (1) (h) of the Act. In this connection, Pakistan Information Commission has notified Schedule of Costs which should be made available on the web site of the Respondent. It is available on the web site of the commission at <http://rti.gov.pk/wp-content/uploads/2020/08/Schedule-of-Costs.pdf>
13. So far as the proactive disclosure of information under Section 5 (1) (i) of the Act is concerned, this commission has already held that an audit report becomes a public document once it is laid before Public Accounts Committee, (PAC) after the approval of the President of the Islamic Republic of Pakistan. It is not only the responsibility of the Auditor General of Pakistan to place on its web site each audit report once it is laid in the Public Accounts Committee, each federal public body should proactively publish through its web site all the audit paras if included in the audit report of a given year.
14. Furthermore, Section 5 (1) (i) of the Act is not about the proactive disclosure of audit reports alone. This section also requires public bodies to proactively publish through their web sites other reports such as performance reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized. The Respondent has not provided any information about the status of the proactive disclosure of all these reports.
15. Similarly, the Respondent, Ministry of Religious Affairs has maintained that the information to be proactively disclosed under Section 5 (1) (g) of the Act can be checked from the web site of the Finance Division. This commission is of the view that the Respondent, Ministry of Religious Affairs is the custodian of categories of information mentioned in Section 5 (1) (g) of the Act such as proposed budget, actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget. Therefore, the Respondent, Ministry of Religious Affairs should proactively publish all this information on its web site.

D. Order

16. Public Information Officer, Ministry of Religious Affairs is directed to share with the Appellant the requested information about the current status of the availability of the categories of information on its web site, mentioned in Section 5 of the Act, in the tabular form as requested by the Appellant, addressing each question, within 7 working days of the receipt of this Order. Secretary, Ministry of Religious Affairs is directed to submit compliance report to the commission describing current availability status of the following information on the web site as well as time-frame for publication of each missing information/record on web site within 7 working days of the receipt of this Order:
 - a. Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget;
 - b. performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized.

17. Copies of this order be sent to Secretary, Ministry of Religious Affairs, Public Information Officer, Ministry of Religious Affairs and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

April 12, 2021

This order consists of 6 (six) pages, each page has been read and signed