

IN PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. E292-06/2022

Haris Rasheed

Vs

Ministry of Interior

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Haris Rasheed, filed an application under the Right of Access to Information Act, 2017. Through his application dated 30.04.2022 addressed to the Public Information Officer, Ministry of Interior he has sought following information:
 - a. *“The Total number of prohibited Bore (PB) and Non-Prohibited Bore (NBP) arms licenses issued in the year 2021 and 2022 under the Pakistan Arms Rules 2021 (F. No. 12/4/2020-Arms (PB) Government of Pakistan.*
 - b. *Daily progress made on my NPB arms license application (diary number #2789 submitted on 28.10.2021 from October 28, 2021, to date.”*
2. Feeling aggrieved for the non-provision of information, he has filed appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. The Deputy Secretary (Law-II), Ministry of Interior vide letter dated 29-02-2022, 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.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 27.7.2022 and lastly on 4.8.2022 as final opportunity but neither was the reply submitted nor any one

appeared to represent the respondent public body. Although the Public Information Officer vide his letter dated 1.7.2022 has conveyed to the Deputy Secretary (Admin) to do the needful but neither the information is submitted nor any body represented the public body before the Commission.

C. COMMISSION'S VIEW

5. 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 ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully 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.
6. The appellant is asking for information pertaining to his application submitted on 28.10.2021 vide diary number 2789 for the issuance of non-prohibited bore arms license. He is further interested to know as to how many prohibited Bore and Non-Prohibited Bore arms licenses were issued in the year 2021 and 2022 under the Pakistan Arms Rules 2021 (F. No. 12/4/2020-Arms (PB) Government of Pakistan.
7. The information relating to the policies and decisions adopted by the public bodies and the criteria, standards or guidelines upon which discretionary powers are exercised are the category of record that ought to have been published including uploading over the internet or in a manner which best ensures the accessibility to the public at large. In that eventuality the appellant reserves his right to know whether his application for the issuance of non-prohibited bore arms license has been processed in accordance with the rules and policy set by the public body. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.

8. 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

9. The appeal is allowed. The Deputy Secretary (Law-II)/Public Information Officer, Ministry of Interior, is directed to furnish the appellants all the requested information and records, 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 18.08.2022

Certified that this order consists of 03 pages, each page has been read and signed.