

**Pakistan Information Commission
Information Service Academy
Zero Point, Islamabad**



Appeal No 068-06/19

Moonus Kayinat Zahra (Appellant)

Vs.

Ministry of Foreign Affairs (Respondent)

Date: 26/12/19

ORDER

Zahid Abdullah: Information commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 8/05/19 in which she stated that she had requested information from Ministry of Foreign Affairs under the Right of Access to Information Act 2017.

2. The information sought by the Appellant, through application dated 16/04/19 is as under:

“1. Certified details (country name, number of days, purpose of visit) about the total number of foreign visits done by former Foreign Minister Khuwaja Muhammad Asif in his tenure i.e. 04 August, 2017 to 26 April 2018?

(a) Name and total number of persons that accompanied him in each visit?
Please provide visit wise list

(b) Total amount of money consumed on foreign visits from public exchequer?

2. Certified details (country name, number of days, purpose of visit) about the total number of foreign visits done by the former foreign minister Khuram Dastgir in his tenure from i.e. 11 May, 2018 to 31 May, 2018.

(a) Name and total number of persons that accompanied him in each visit?
Please provide visit wise list

(b) Total amount of money consumed on foreign visits from public exchequer?

3. Certified details (country name, number of days, purpose of visit) about the

total number of foreign visits done by the incumbent foreign minister Makhdoom Shah Mahmood Qureshi since August 2018. (country name, number of days, purpose of visit) in his tenure from i.e. 11 May, 2018 to 31 May, 2018.

(a) Name and total number of persons that accompanied him in each visit? Please provide visit wise list

(b) Total amount of money consumed on foreign visits from public exchequer?"

B. Proceedings

3. Through a notice dated 19/06/19, the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.

4. Through another notice dated 11/10/19, the Respondent was again asked to provide the response to the requested information.

5. Through a letter dated 08/10/19, the Respondent was asked to designate Public Information Officer by post as required under Section 9 of the Right of Access to Information Act 2017.

6. Through a letter dated 23/10/19, the Respondent was provided copy of the information request along with earlier notices of the commission as requested by the Respondent.

7. Through a letter dated 24/10/19, the Respondent requested time of ten working days to provide the requested information.

8. The hearing date was fixed for 10/12/19 through the hearing notice sent on 03/12/19 and both parties were informed accordingly. In the hearing notice, the commission wrote:

““The commission notes with grave concern that Public Information Officer designated under vide MoFA’s U.O No. SPK-1/5/2019, dated November 04, 2019 has refused to receive two letters duly sent by the commission on the above-mentioned appeal. Find enclosed earlier notices and request for information filed by the Appellant. Take notice that the above cited appeal is fixed for regular hearing before the Pakistan Information Commission on December 10, 2019 at 11:30AM at the above-mentioned address.

Note: The case record/information in the above cited appeal, if any, be produced before the Information Commission at the time of hearing””.

C. Discussion and Commission’s View on Relevant Issues

9. The requested information falls within Section 5 (b) of the Right of Access to Information Act 2017.

10. The commission takes strong exception to the inordinate delay caused by the public body in providing the information requested by the Appellant on 16/04/19. Apart from the earlier notices of the commission, even when request for information of the Appellant and the earlier notices of the commission were provided to the Respondent on request and extra time was allowed to the Respondent to provide requested information, the Respondent neither attended the hearing nor provided the requested information.

11. The commission notes with grave concern that the PIO failed to interpret the Right of Access to Information 2017 as “to advance its purposes as set out in the preamble”, required under Section 3 (2) and “promote the right of access to information”, “, Section 3 (2) (a) and facilitate and encourage promptly the disclosure of the information”, Section 3 (2) (b).

12. The commission is of the view that the delay of over 8 months in responding to the information request is caused by non-serious attitude of the Respondent in ensuring the implementation of the various provisions of the Right of Access to Information Act, including the acknowledgement of the receipt of the request for information as required by Section 13 (1) and responding to the requested information within specific time-frame as mentioned in Section 14 (1) and (2) of the Act.

13. The commission notes with grave concern that a designated Public Information Officer has caused inordinate delay in providing the requested information and as such has hampered the exercise of the right to information of a citizen. This commission noted in the case of Basharit Masih VS Pakistan Railways that “it is reasonable to expect from a Public Information Officer, designated under Section 9 of the Right of Access to Information Act 2017 to respond to an information request because a PIO under 10 (1) is “responsible for ensuring that requests are dealt with promoting full compliance by the public body of its obligation under this Act”.

D. Order

14. The appeal is allowed. The Respondent is directed to provide the requested information to the Applicant 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 26/01/2020.

15. Copies of this order be 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:
December 26, 2019

| This order consists of 4 (four) pages; each page has been read and signed.