

In the Pakistan Information Commission, Islamabad

Appeal No. 140-10/19

Umar Cheema (Appellant)

V/S

Ministry of Foreign Affairs (Respondents)

Date: 01.01.2020

Fawad Malik. Information commissioner

A. APPEAL

1. Through the instant appeal Umar Cheema (Appellant) has invoked the powers of this Commission delegated through section 20(d)(e) of the Right of Access to Information Act 2017, requesting intervention of the Commission for seeking specific information that he requested from the Ministry of Foreign Affairs (Respondent) under the Act.
2. The brief facts of the appeal are that the appellant filed a request dated 17.09.2019 to the Secretary, Ministry of Foreign Affairs invoking his fundamental right under article 19-A of the Constitution of Pakistan read with Right of Access to Information Act 2017 seeking the following information:-

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1. *How many Foreign Service of Pakistan Officers have been posted at A to A category stations since January 01, 2010 to June 01, 2019? (Their names, designations alongwith stations please).*
2. *Total number of Foreign Service of Pakistan officers given extensions to serve at a station from January 01, 2010 to June 01, 2019. (Their names, designations, duration of extension granted in each case and reasons for extensions in each case).*
3. *Certified copy of objective criteria developed by Ministry of Foreign Affairs for Ambassadorial assignments.*

3. It is stated by the appellant that the respondent vide the response dated 09.10.2019 provided the information but that is not satisfactory. He objected and conveyed his reservation and dissatisfaction against the response and demanded specific information to the request filed by him. Further stated by the appellant that he sent his request at the given email address as well as through WhatsApp but the correspondence by the respondent was made through WhatsApp of the Ministry Foreign Affairs spokesperson Dr. Mohammad Faisal.

The text of the response by the Ministry of Foreign Affairs is as follows:

1. *Limited numbers of cases exist where officers have been posted from A to A station. Apart from the professional requirements, and any other possible exigency, it is important to mention that the mere number of "A category missions would entail that few officers randomly do get posted to these stations consecutively. Moreover, categories of the Missions are sometimes revised given the prevailing conditions in a particular country.*
2. *Extensions to Foreign Service Officer are only given in select cases based, inter-alia, on the requirements of the Ministry, Missions and professional expertise of the officer.*
3. *The Prime Minister appoints Ambassadors, High Commissioners and Consul General to Pakistan Missions Abroad. Merit-based policy is followed in*

(3)

posting/transfers of Ambassadors/ High Commissioner in the Missions abroad. In this regard, a number of aspects such as functional requirements, skill set of particular officer, language proficiency and expertise in specific field or region are taken into account.

B. PROCEEDINGS

4. The Commission through notices dated 04.11.2019 directed the respondent to submit reason in writing within 10 working days of the receipt as to why the requested information by the appellant has not been shared with him.

5. The public information Officer designated by the respondent public body refused to receive the notice therefore the appeal was fixed for hearing on 10.12.2019 vide notice dated 19.11.2019 and copy of hearing notice was sent to Dr. Mohammad Faisal Spokesperson of Ministry. At the time of hearing of the appeal no body turned up to represent the respondent.

C. DISCUSSION AND COMMISSION'S VIEW

6. In the case in hand the respondent has not refused the sharing of the requested information claiming the exemption clause of the Act, rather has provided evasive and irrelevant information therefore the appellant has shown his dissatisfaction in the appeal and has sought the specific information mentioned in his application. The appellant has also raised the issue that the reply of the respondent was shared on WhatsApp instead of through Email or hard copy on his postal address.

7. The Section 13(3) of the Act envisages the information provided accompanied by a certificate affixed at the fact thereof to the effect that the information is correct, the copy is a true copy of original record and such certificate must be dated and signed by the designated officer, which is not possible while sharing the information on WhatsApp.

8. Even otherwise once the public body has received some application or information request, it is presumed that the application / request will be acknowledged and processed culminating into its acceptance or refusal as required under section 13 of the Act. Whatever be the fate of the application, it must be placed (hard copy) in the official record of the public body as required under the Secretariat instructions, 2004. Reply on the WhatsApp would be considered as violation of the instructions.

9. The careless and irresponsible behavior of the public bodies towards the applicants and the Commission is of grave concern and amounts to denying the fundamental right guaranteed under Article 19-A of the Constitution of Pakistan.

10. The non co-operative behavior of the respondent of not responding the notices is point of concern for the Commission. The wisdom behind the promulgation of the Act is embodied in its preamble and is architected to promote the purposes of making the Government more accountable to the people, to improve the participation of the people in public affairs to reduce corruption and inefficiency and making the working of government functionaries transparent which will be defeated if the public bodies fail to shoulder their responsibilities and duties as required under the Act.

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11. The Section 5 of the Right of Access to Information Act 2017 requires the Principal Officer of each public body, within six months of the commencement of the Act, to ensure all categories of information and record mentioned in the section, duly published including uploading over the internet.

D. ORDER

12. The appeal is allowed. The respondent is directed to provide the appellant specific and to the point information, he has requested in his application. The hard copy duly attested and certified by the Public Information Officer should be shared with the appellant within 10 working days of the receipt of this order.

Furthermore it is directed to the respondent to publish including uploading over the internet, all categories of information and record as required under section 5 of the Right of Access to information Act 2017 and the compliance report be submitted to the Commission on or before 03.02.2020.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Certificate: It is certified that this order consists of five (5) pages. Each page has been read and signed.