

## **Pakistan Information Commission**

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### **In Pakistan Information Commission**

**Appeal No 294-02/20**

**Shehzad Ahmed Khan**

(Appellant)

Vs.

**Cabinet Division**

Through Additional Secretary-I / Public Information Officer

(Respondent)

### **Order**

**Date:** August 25, 2020

**Zahid Abdullah:** Information Commissioner

### **A. The Appeal**

1. The Appellant filed an appeal, dated 30-01-2020, to the Commission, stating that he Submitted an information request to the Secretary, Cabinet Division dated 14-01-2020 under the Right of Access to Information Act 2017.

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

- i. “What is the total number of flights of the helicopter under the use of Prime Minister Imran Khan since the assumption of the office till to date?
- ii. Please provide certified log of each flight along with the passenger manifest / list of each flight)
- iii. Provide certified information about the expenses occurred on each flight.
- iv. What was the total number of flights of the helicopter under the then Prime Minister Shahid Khaqan Abbasi during his tenure i.e. August 2017 to May 2018.
- v. Please provide certified log of each flight along with the passenger manifest / list of each flight)
- vi. Provide certified information about the expenses occurred on each flight.
- vii. What was the total number of flights of the helicopter under the then Prime Minister Mian Muhammad Nawaz Sharif during his tenure i.e. 5th June, 2013 to 28th July, 2017.

- viii. Please provide certified log of each flight along with the passenger manifest / list of each flight)
- ix. Provide certified information about the expenses occurred on each flight.”

## **B. Proceedings**

- 3. Through a notice dated 26-02-2020 sent to the Additional Secretary-I, Designated Public Information Officer, Cabinet Division, the Commission called upon the Respondent to submit reasons for not providing the requested information.
- 4. The notice remained unheeded therefore the appeal was fixed for hearing before the Commission on 27-03-2020 and both the appellant as well as the respondent were informed accordingly at their respective addresses vide notices dated 10-03-2020.
- 5. The Respondent through a letter vide No. 6/3/2012-ERC (Sqn) stated that the requested information cannot be shared under Sub-Section 7(e) of the Right of Access to information Act 2017.
- 6. The commission through a letter dated 26-06-2020 directed the Respondent to explain as to how the requested information falls in Section 7 (e) which protects information belonging to ‘defence forces, defence installations or connected therewith and ancillary to defence’. How information about the number of flights of the helicopters under the use of Prime Ministers can be exempted from disclosure?

The Respondent was directed to submit response to this commission within 10 working days of the receipt of this letter.

- 7. The Respondent did not submit any response to this commission.

## **C. Discussion and Commission’s View on Relevant Issues**

- 8. The questions for the consideration of the commission are as under:
  - I. Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
  - II. Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
  - III. What steps have been taken by the Respondent to implement the Right of Access to Information Act 2017, henceforth referred to as Act?
  - IV. Do arguments submitted by the Respondent meet the threshold of the burden of proof for denying access to the requested information?
- 9. Each federal public body was obligated to designate Public Information Officer, (PIO) within thirty days of the commencement of the Act. The Respondent designated and

notified PIO as required under the Act but has not proactively disclosed through its web site name, designation and contact details of the PIO as required under Section 5 (1) (h) of the Act.

10. The Respondent has submitted before the commission that requested information is exempted from disclosure under Section 7 (e) of the Act which is as under:

“Records relating to defense forces, defence installations or connected therewith and ancillary to defence an national security excluding all commercials and welfare activities”.

11. This commission has already maintained that mere reference to an exemption clause does not mean that a public body has acted in accordance with the provisions of the Right of Access to Information Act 2017. Furthermore, if a record is exempted from disclosure, reasons have to be recorded for exempting the record and producing before the commission for determination that the reasons are justifiable under Section 17 (4) of the Act. This commission is of the view that the requested information does not fall within the scope of the Section 7 (e) right of the Act as the Prime Minister uses helicopter to carry out official duties and its expenses are paid for by the taxes of the citizens of Pakistan.

12. The requested information should not only be made available to the Appellant as a constitutional right of access to information in matters of public importance under Article 19-A of the Constitution of Islamic Republic of Pakistan but also as a statutory right under different provisions of the Right of Access to Information Act 2017. The Preamble of the Act states:

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.

13. The requested information belongs to the category of information which public bodies are legally bound to proactively disclose, through their web sites, under Section 5 (1) (g) of the Act. The requested information is also public information under Section 6 (b) of the Act.

#### **D. Order**

14. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.

15. The Respondent is directed to put the contact details of the PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.

16. 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 27/09/2020.

17. Copies of this order be sent to Additional Secretary-I, designated Public Information Officer, (PIO), Secretary, Cabinet Division, and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
August 27, 2020

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