



Appeal No 156-11/19

Nadeem Umer(Appellant)

Vs.

National Institute of Rehabilitation Medicine(Respondent)

ORDER

January 27, 2020

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on November 07, 2019 in which he stated that he had requested information from the National Institute of Rehabilitation Medicine under the Right of Access to Information Act, 2017.

2. The information sought by the Complainant, through application dated October 14, 2019, addressed to the Executive Director, National Institute of Rehabilitation Medicine pertained to the provision of following information,

“Please provide certified copy of National Institute of Rehabilitation Medicine annual financial audit reports for the following years:

1. Financial Year 2016-17
1. Financial Year 2017-18
2. Financial Year 2018-19”.

B. Proceedings

3. Through a notice dated November 11, 2019 the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.

4. Through letter dated: December 04, 2019, Dr. Adnan Riaz, Deputy Director shared that:

“Please refer to your office Appeal No. 156-11/19 dated 11th November, 2019 on the above noted subject received vide Diary No. 1469 dated 30” November, 2019.

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2. *The information required by the applicant on 14th October, 2019 when the final audit report was not received in this institute. Ministry of National Health Services Regulations & Coordination issued audit report vide letter No. I (1)F&A/2019/NHS/Mise/Vol-IV dated 17 October, 2019 and the reply to which was submitted to the Ministry on 28th October, 2019. Meanwhile, Ministry of NHR&C assigned the duty of Internal Audit to the Accounts Officer of this institute vide Office Memorandum F. No. 14(2)F&A/2018/NHS/PMNHP dated 31st October, 2019 due to which the Accounts Officer dealing with the accounts/audit matters was not available in office.*

3. *Due to the above noted position and having no government instructions about the procedure of the requisition and provision of information, the requisite information could not be provided to the applicant. However, the requisite information is enclosed for further necessary action”.*

5. In response, the appellant stated that the Respondent did not shared any information about the audit report of Financial Year 2016-17 and 2017-18, hence the information is incomplete.

C. Discussion and Commission’s View on Relevant Issues

6. The questions for the consideration of the commission are as under:

- (a) Whether audit reports are public records?
- (b) At what stage audit reports are finalized?
- (c) Which public body is in the possession of an audit report? And
- (d) Whether the public body followed the process laid down in the Right of Access to Information Act 2017 for responding to information requests?

7. The commission takes strong exception to the stance of the Respondent that the requested information could not be shared with the Appellant as there were no “government instructions about the procedure of the requisition and provision of information”. Instead of waiting for government instructions, the Respondent should have decided on the request for information on its merit and provided the requested information in accordance with the provisions of the Right of Access to Information Act 2017.

8. In an identical appeal No.144-11/19 titled (Shehzad Ahmed Khan vs Metropolitan Corporation Islamabad) vide order dated 01.01.2020, this commission has already decided on

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remaining issues raised in the instant appeal which are reproduced in the following paras.

“9. An audit report is a public document under Section 5(i) of the Right of Access to Information Act 2017 which is as under:

“Reports including performance report, audit reports, evaluation reports, enquiry or investigation report and other reports that have been finalized”.

10. The audit report is finalised by the Auditor General of Pakistan, (AGP) and audit of only a certain number of public bodies is conducted each year. Each audit report contains audit paras of a public body whose audit is conducted in a given year. In parliamentary democracy, business of Parliament is conducted through standing committees through open proceedings. The commission is of the view 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.

11. The elected representatives in their collective wisdom have included Section 5 in the Act so that maximum information is proactively provided to the citizens of Pakistan by ensuring its proactive disclosure through web sites of public bodies. Since Section 5 of the Act includes audit reports, the Auditor General of Pakistan should immediately place on its web site each audit report once it is laid in the Public Accounts Committee. Similarly, each federal public body should proactively publish through its web site audit paras if included in the audit report of a given year.

12. The benefits of proactive disclosure of audit reports can hardly be exaggerated. It will not only be cost-effective but will also save time of the commission and that of federal public bodies in responding to appeals and information requests of citizens pertaining to audit reports”.

D. Order

13. The appeal is allowed. The Respondent is directed to provide certified copies of audit paras if included in the audit reports laid by the Auditor General of Pakistan before Public Accounts Committee for Financial Year 2016-17, Financial Year 2017-18 within 10 working days of the receipt of this Order.

14. The Respondent is also 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 03/03/2020.

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15. Copies of this order be sent to the Respondent, the Appellant and the Auditor General of Pakistan for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
January 27, 2020

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