



In The Pakistan Information Commission, Islamabad

Appeal No 761-12/20

Nadeem Umer

(Appellant)

Vs.

Establishment Division

(Respondent)

ORDER

Date: February 17, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 15-12-2020, to the Commission, stating that he submitted an information request to Deputy Secretary (CP-II), Public Information Officer, Establishment Division on November 26, 2020 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:
 1. *“Whether it is a fact that large number of the government officers are not submitting their assets declaration regularly as required by law. If Yes, please provide the details of the action taken against them.*
 2. *Whether it is a fact that Establishment Division has decided not to promote those officers who are not submitting their assets declaration, if Yes, please provide the notification(s) and circular(s) issued in this regard.*
 3. *List of the officers, their designation and current posting details, whose promotion is halted due to non-submission of their assets declaration to date.*
 4. *List of the officers, their designation and their current posting, who have not submitted their assets declaration during their whole service.*
 5. *Did Establishment Division conducted any inquiry / inquiries regarding the increase in assets of the officers, if yes, please provide list of the officers against which inquiries are conducted and also provide the copies of the inquiry reports that are concluded to date.*
 6. *Provide the list of the cases, or list of the officers whose cases are sent to any agency for verification regarding the increase in their assets, along with the details of their current status.”*

B. Proceedings

3. Through a notice dated December 28, 2020 sent to Khaleeq-ur-Rehman, Deputy Secretary (CP-II), Establishment Division, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent was issued another notice on January 18, 2021. The text of the notice is as under:

“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”

C. Discussion and Commission’s View on Relevant Issues

5. Each time a citizen seeks information from a public body and each time a federal public body fails to provide requested information to an Appellant, as is the case in the instant Appeal, the significance of the purposes of enactment of the Right of Access to Information Act 2017, enunciated in its Preamble are further highlighted and these are as under:
 - a. *Making government more accountable to citizens’;*
 - b. *Greater level of participation of citizens in the affairs of the government’;*
 - c. *‘Reducing corruption and inefficiency’;*
 - d. *Promoting sound economic growth’; and*
 - e. *Promoting good governance and respect for human rights.*
6. Article 19-A of the Constitution states that citizens of Pakistan shall have access to information in matters of public importance and that this right of access to information can only be restricted through reasonable restrictions imposed by law. This commission is of the view that the requested information pertains to a matter of public importance.
7. This commission provided ample opportunities to the Respondent, through duly sent notices to respond to the duly filed request for information of the citizen.
8. As the Respondent has failed to submit its response as to why the requested information cannot be provided to the citizen, this commission is left with no option but to determine whether or not the requested information can be disclosed by juxtaposing it with the provisions of the Right of Access to Information Act 2017.
9. This commission is of the view that the requested information cannot be exempted from disclosure under any provisions of the Act.
10. The requested information cannot be denied even on the ground of personal privacy as mentioned in Section 7 (g) of the Act. In any case, on the balance, public interest outweighs any harm to personal privacy of civil servants who fail to fulfil their obligation of submitting details of their assets. It is only through the disclosure of the requested information that citizens of Pakistan, who pay taxes for, inter alia, the salaries of civil servants, will be able to know the following:
 - names, designations and number of officers who are not fulfilling their obligation of submitting their assets declaration;

Frequency and duration of the failure on the part of officers in submitting assets declaration; and

action taken, if any, by the Establishment Division against officers who failed to submit their assets declaration.

D. Order

11. The appeal is allowed. Public Information Officer, Establishment Division is directed to provide the following requested information to the Applicant, with intimation to this commission, within 10 working days of the receipt of this Order:

1. *“Whether it is a fact that large number of the government officers are not submitting their assets declaration regularly as required by law. If Yes, please provide the details of the action taken against them.*
2. *Whether it is a fact that Establishment Division has decided not to promote those officers who are not submitting their assets declaration, if Yes, please provide the notification(s) and circular(s) issued in this regard.*
3. *List of the officers, their designation and current posting details, whose promotion is halted due to non-submission of their asset’s declaration to date.*
4. *List of the officers, their designation and their current posting, who have not submitted their assets declaration during their whole service.*
5. *Did Establishment Division conducted any inquiry / inquiries regarding the increase in assets of the officers, if yes, please provide list of the officers against which inquiries are conducted and also provide the copies of the inquiry reports that are concluded to date.*

Provide the list of the cases, or list of the officers whose cases are sent to any agency for verification regarding the increase in their assets, along with the details of their current status.”.

12. Copies of this order be sent to Public Information Officer, Establishment Division and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:

February 17, 2021

This order consists of 3 (three) pages, each page has been read and signed