

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 763-12-2020

Abdullah Malik

Versus

Federal Board of Revenue

Date:16.7.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr Abdullah Malik, President, Peoples Justice Forum and a human right activist through his application dated 24.11.2020, under the Right of Access to Information Act, 2017, addressed to the Chairman, Federal Board of Revenue; Islamabad has requested certain information/record. The text of his application is reproduced as under:

“It is requested that please provide the detailed information at the given format regarding vehicles which were taken into custody due to non-payment of custom duty from 1.1.2015 till to date and under what law an officer is using the same vehicles for their personal use as in Lahore the additional collector is using the said vehicles and there are four vehicles parked outside his residence 15-B, Askari 10, Lahore and the same were caught by the custom department Lahore for non-payment of custom duty. In 2018 the Chief Justice Supreme Court of Pakistan took the Suo Moto notice for misuse of unauthorized vehicles like land cruiser etc and the same is still pending but in spite of said notice the officer of FBR are still using the said vehicles un authorizingly and the act fall under misuse of power / authority serious action may be taken against them and the same may be communicated to the undersigned. We hope that your office will take serious notice at my complaint as the Prime Minister of Pakistan has already want to see corruption free FBR.”

2. Feeling aggrieved for the non-provision of the requested information and record within the stipulated frame of time provided in the Act, the appeal is filed before the Pakistan Information Commission.

B. PROCEEDINGS.

3. The Secretary (DT-FATE) vide letter dated 29.1.2021 replied to the appellant as under:

“ I am directed to refer to the Hon’ble Pakistan Information Commission’s letter dated 30th December, 2020 in an appeal No. 763-12/20 on the subject and to say that information related to seizures of non-duty paid vehicles (non-tempered) is hereby enclosed.

I am further directed to say that no officer of the concerned formation resides at the given address nor is in possession of four vehicles as mentioned by you. Further, no officer is authorized to use non-custom paid vehicles for personal/operational purposes and only tempered vehicles are used for operational purposes as per policy of FBR.”

4. The appellant expressed his displeasure to the later part of the reply submitted by FBR terming it incomplete and charging the organization for concealing of the true facts. In rebuttal he has further documented the appeal with the photo snaps of the vehicles parked outside the house of the alleged officer residing in house number 15-B, Askari 10, Lahore Cantt. The detail of the vehicles is given below:

- | | | | |
|------|----------|------------------------|--------------|
| i. | LWN 5742 | | Mercedes |
| ii. | MNW 9408 | Government of Pakistan | BMW |
| iii. | MNW 9764 | Government of Pakistan | LAND CRUISER |
| iv. | MNW 9931 | Government of Pakistan | |

C. COMMISSION’S VIEW.

5. The appellant has requested the detail of the vehicles taken into custody by the department due to the non-payment of custom duty. He has also

- alleged the misuse of authority by one of the officer residing in Askari-10 housing society, Lahore Cantt., in sheer violation of the order of the Honourable Supreme Court of Pakistan in a suo moto case no. 11/2018.
6. The later part of the response has been contradicted vehemently by the appellant whereby the organization is ignorant of its officer residing at the address given by the appellant and further that no officer is authorized to use non-custom paid vehicles for personal/operational purposes and only tempered vehicles are used for operational purposes as per policy of FBR. The stance of the organization is negated by the appellant as he has provided the documentary evidence of snaps in proof of his version. The photos placed on the file clearly depicts that four luxury vehicles are parked in front of the alleged house. The numbers of the vehicles and that of the house are visible. The respondent instead initiating the proceedings against the allegation has astonishingly denied it completely and trying to defend the officer in violation of the policy of FBR.
 7. The Honorable Supreme Court of Pakistan during the proceedings of suo moto case no. 11/2018 directed the Chairman FBR that all vehicles which are beyond the entitlement of the officers be immediately withdrawn from all officers without fail. He was also directed to submit an affidavit in the Supreme Court to the affect that such vehicles, either confiscated/tampered/purchased, beyond the entitlement of the officers have been recalled from all officers in the FBR (HQ) and field formations of PCS and IRS and that the same have been parked and are no more in use of any officer. Further that besides identified luxury vehicles which have been grounded, no luxury car/jeep beyond the entitlement of the officers will be in use of any officer whatsoever.
 8. The respondent organization is in violation of the orders of the Supreme Court as well as has waived the policy of FBR in this regard. Transparency in the working of the government departments is the essence for the enactment of the Act, 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people

in the public affairs aimed at reducing nepotism, corruption and inefficiency in the governance. The appellant has highlighted an important issue of public importance.

D. ORDER.

9. The Commission after going through the contents of the appeal and the Act is of the view that the matter be referred to the Chairman FBR. He will enquire into the matter and submit report before the Commission within one month of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 26.7.2021

Certified that this order consists of four pages, each page has been read and signed.