



Pakistan Information Commission

1st Floor, National Arcade, 4-A Plaza
F-8 Markaz, Islamabad
Website: www.rti.gov.pk
Phone: 051-9261014
Email: appeals@rti.gov.pk
  @PkInfoComm



In The Pakistan Information Commission, Islamabad

Appeal No 1140-06/2021

Faisal Manzoor Anwar

(Appellant)

Vs.

Ministry of National Health Services

Through its Public Information Officer

(Respondent)

Order

Date: July 28, 2020

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated June 11, 2021, to the Commission, stating that he Submitted an information request to the Secretary, Ministry of National Health Services dated April 26, 2021 under the Right of Access to Information Act 2017.
2. The information sought by the Appellant is as follows:
 - *“certified copy of BO/NIS forms for the development budget for FY 2021-22, submitted to Finance Division by this ministry”. He also requested “please provide certified copy of indicative budget ceiling separately for current and development expenditures for FY 2021-22 as communicated to PAO of this ministry by the Finance Division”.*

B. Proceedings:

3. Through a notice dated June 25, 2021, sent to Deputy Secretary, Ministry of National Health Services, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through a letter dated June 29, 2021, the Respondent stated that “the information regarding certified copy of BO/NIS Forms for development budget for FY 2021-22 submitted to Finance Division by this ministry falls under Section 6 of the Act read with Section 2(X) of the Act, 2017. Therefore, the requested information is not required to be provided”.

C. Issues:

5. This Appeal has brought to the fore following issues:
 - (a) 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?

(b) Has the Respondent carried out its obligations under the Act with regard to the proactive disclosure of information as required under Section 5 of the Act?

D. Discussion and Commission's View on Relevant Issues

6. The requested information pertaining to the BO/NIS forms for the development budget for FY 2021-22, submitted to Finance Division by the Respondent, Ministry of National Health Services and certified copy of indicative budget ceiling separately for current and development expenditures for FY 2021-22 as communicated to PAO of this ministry by the Finance Division belongs to the category of information which public bodies are legally bound to proactively disclose, through their web sites, under Section 5 (1) g), and (i) of the Act. Had the Respondent carried out its obligation of proactive disclosure of information through its web site, instead of referring to Section 6 of the Act, the Respondent was required to inform that the requested information is already available on its web site.
7. The fact that such crucial information as proposed and actual current and development budget for such an important ministry as National Health Services which is required to be proactively published for citizens is being withheld demonstrates the prevailing secrecy culture in federal government departments. The way the Respondent, Ministry of National Health Services has handled the request for information in the instant appeal also demonstrates that the focus is more on continuing with the secrecy culture rather than promoting transparency and carrying out legal obligations under the Act.

E. Order

8. The appeal is allowed. The Public Information Officer, the Ministry of National Health Services is directed to provide the information mentioned in para 2 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.
9. 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 August 29, 2021.
10. Copies of this order be sent to the Public Information Officer, Ministry of National Health Services and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: July 28, 2021

This order consists of 2 (two) pages, each page has been read and signed.