

Pakistan Information Commission

Government of Pakistan

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 978-04/21

Nadeem Umer

(Appellant)

Vs.

Accountant General Pakistan Revenues

Through its Accountant General

(Respondent)

ORDER

Date: June 09, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on April 05, 2021 to the Commission, stating that he had submitted information requests to AGPR via E-mail dgpr@agpr.gov.pk on March 23, 2021 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. List of departmental enquiries conducted from January 01, 2015 to date, along with the details of complaint/allegation, name of accused officials and their designation.

2. Provide the name and designation of each enquiry members.

3. Certified copies of each enquiry report.

4. Details about the implementation on the recommendation of each enquiry committee.

5. List of the pending (on-going) enquiries that are initiated against the officers/officials of excise department along with date on which the enquiry was initiated, list of each enquiry committee members from January 2010 to date.

6. Details about the time period given in the rules/regulation to conclude any departmental enquiry.

7. What action has been taken against the officers/officials/members of the enquiry committee who are failed to conclude the enquiries within the stipulated time period given in the rules/regulations/laws.

8. Copy of the relevant rules/regulations regarding the departmental enquiries.”

B. Proceedings

3. Through a notice dated April 14, 2021, sent to Accountant General Pakistan Revenues, Office of the Accountant General Pakistan Revenues, AGPR Complex, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case

within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.

4. On May 25, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the public body 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”. The Commission also stated through this notice that if the written arguments are not submitted within 15 working 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”.

5. Through a letter dated April 04, 2021, the Respondent stated:

“Kindly refer to your office letter No.978-04/21 dated 14.04.2021 on the subject noted above.

02. This office always takes necessary actions on every complaint and even Quality Assurance, Inspection & Monitoring Section has also been established within the office for the prompt monitoring of the internal / external audit. Inquiries are initiated and where any discrepancy is found, the office meets the ends of justice and necessary punishments under Efficiency & Discipline Rules have been awarded to the accused employees. This office shared the requisite confidential information with Controller General of Accounts, Federal Investigation Agency, National Accountability Bureau, Establishment Division etc as and when desired by them.

03. It is requested that the request of the applicant regarding provision of confidential record may kindly be regretted in the light of Para-7 of the act "The Right of Access to Information Act 2017" or applicant may please be requested to contact with our Controlling Office i.e., Office of the Controller General of Accounts.

04. These issues with the approval of Additional Accountant General”.

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

6. The Respondent shared with the commission that “Inquiries are initiated and where any discrepancy is found, the office meets the ends of justice and necessary punishments under Efficiency & Discipline Rules have been awarded to the accused employees”. The Respondent further said that “It is requested that the request of the applicant regarding provision of confidential record may kindly be regretted in the light of Para-7 of the act "The Right of Access to Information Act 2017" or applicant may please be requested to contact with our Controlling Office i.e., Office of the Controller General of Accounts”.
7. This commission has already held through its different Orders that information pertaining to finalised enquiry reports is public information. As such, this information is not only to be provided to citizens when requested but public bodies are obligated to proactively publish through their web sites all finalised enquiry reports as required under Section 5 (1) (i) of the Act.

D. Order

8. Appeal is allowed. Accountant General Pakistan Revenues, Office of the Accountant General Pakistan is directed to provide certified copies of the finalised enquiry reports and requested information mentioned in item numbers 1, 2, 3, 4, 6, 7 and 8 of para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
9. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of 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.

10. 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 in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
11. Copies of this order be sent to The Accountant General Pakistan Revenues, Office of the Accountant General Pakistan and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 09, 2021

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