



In the Pakistan Information Commission, Islamabad

Appeal No 1058-05/21

Shazia Mehboob

(Appellant)

Vs.

Ministry of Narcotics Control

(Respondent)

Order

Date: September 07, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated May 01, 2021, to the Commission, stating that he Submitted an information request to the Secretary, Ministry of Narcotics Control dated March 10, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
 1. *“Total number of drug traffickers arrested by ANF in the past five years [Separate detail of year wise break up of arrests]*
 2. *Total number of drug traffickers involved in drug trafficking at international level arrested by ANF in the past five years [Separate detail of year wise break up of arrests]*
 3. *Total number of drug traffickers involved in inter-provincial drug trafficking activities arrested by ANF in the past five years [Separate detail of year wise break up of arrests]*
 4. *Total number of cases registered by ANF in the past five years [details of year wise breakup of the cases]*
 5. *Total number of cases in which courts passed rulings against accused along with level of punishments in the past five years [details of year wise breakup of the ruling]*
 6. *List of foreigners arrested by ANF for their involvement in drug related crimes in the past five years [year wise breakup of the arrested foreigners]*
 7. *List of the region most affected by drugs related crimes*
 8. *Annual budget spend by ANF on operational and other related activities*
 9. *Total annual budget of ANF [details of distribution of budget]*
 10. *Total amount of crystal myth recovered by ANF in different operations in the past five years [Year wise breakup of the received myth]*
 11. *List of the top five regions prone to crystal myth.”*

B. Proceedings

3. This commission through a notice dated May 25, 2021 sent to the Deputy Secretary (Admin) / Public Information Officer, Ministry of Narcotics Control called upon the Respondent to submit reasons for not providing the requested information.
4. This commission on May 31, 2021 received a copy of a letter sent by the Section Officer (Admin), Ministry of Narcotics Control to the Director General, Anti Narcotics Force, Rawalpindi stated *"I am directed to enclose herewith copy of the Pakistan Information Commission's letter No Appeal 1058/05/2021 dated May 25, 2021 on the subject cited above for further necessary action under intimation to this ministry."*
5. The appeal was fixed for hearing on July 06, 2021 and both parties were informed through notices sent on June 17, 2021.
6. No one appeared to represent the public body in the hearing held on July 06, 2021.
7. The appeal was again fixed for hearing on August 03, 2021, both the appellant and respondent were informed through notices sent on July 07, 2021.
8. The Respondent did not attend the hearing. The appeal was again fixed for hearing on August 31, 2021.
9. The respondent neither submitted any response nor attended the hearing held on August 31, 2021.

C. Discussion and Commission's View on Relevant Issues

10. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.
11. The information requested by the appellant is declared as public record in section 5 (b) and (i) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
12. The citizen has the right to get this information / document to know about the performance of the public body. Disclosure of such information will reduce the trust gap between the public bodies and the citizens.
13. Disclosure of this information will also improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will able to make the public bodies accountable for their performance.
14. In the instant appeal the public body has failed to acknowledge and respond to the information request of the appellant. Moreover, despite giving multiple opportunities the public body did not attend any hearing.
15. The designate official of the public body is responsible for ensuring the requests are dealt with promoting full compliance by the public body for its obligation under this Act, the public body has failed to responds the notices of the commission, the commission observes that the wilful delay in the provision of the information to the citizen causes undue cost to the citizens both in terms of money and time.

16. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
17. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

18. The appeal is allowed. The Deputy Secretary (Admin) / Public Information Officer, Ministry of Narcotics Control is directed to provide the information requested in Para 2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
19. The public body 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 August 07, 2021.
20. Copies of this order be sent to the Deputy Secretary (Admin) / Public Information Officer, Ministry of Narcotics Control and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:
September 07, 2021

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