



Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1132-06/21

Faisal Manzoor Anwar

(Appellant)

Vs.

Ministry of Finance

(Respondent)

Order

Date: December 22, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date June 10, 2021, to the Commission, stating that he Submitted an information request to the Secretary, Ministry of Finance April 26, 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:

“Please provide the copy of Budget Strategy paper developed by Finance Division”

B. Proceedings

3. Through a notice dated June 17, 2021 sent to the Secretary, Ministry of Finance called upon the Respondent to submit reasons for not providing the requested information.
4. The appeal was fixed for hearing on September 14, 2021 and both parties were informed through notices sent on August 10, 2021. Hearing Summon dated August 10, 2021 sent to Secretary, Ministry of Finance states, *“failure to attend the hearing will result in ex Partee decision and the responsible will be dealt within accordance with the relevant provisions of the Act”*.
5. Through another notice dated September 21, 2021 the Respondent was directed to submit written arguments within 15 working days, otherwise the appeal will be decided Ex Partee in the light of the record available on file and the Right of Access to Information Act, 2017.
6. The appeal was again fixed for hearing on December 07, 2021 and both parties were informed through notices sent on November 15, 2021.
7. The respondent neither attended the hearings held on September 14, 2021 and December 07, 2021 nor submitted any written arguments.

C. Discussion and Commission’s View on Relevant Issues

7. The question for the consideration of the commission is that whether the information requested by the citizen is public information/ record? And whether the public body has

fulfilled its duties as defined in the Right of Access to Information Act, 2017 hereafter referred as Act?

8. The information requested by the appellant belongs to the Section 5(g) of the Act.

Section 5(e) is as under:

“(g) Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget;”

9. The budget allocated to the public bodies is the public money and the citizens have the right to know the details of its utilizations. The public bodies without waiting for the information requests of the citizen, should themselves share budget expenditure and strategy papers on their websites.
10. This commission observes that proactive disclosure of such information will bring transparency and providing greater accountability of the government to the citizens, which the spirit of enactment of this Act. Moreover, it will also improve the trust of the citizens in its public bodies.
11. 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. In the instant appeal the public body has failed to acknowledge and respond to the information request of the appellant. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act. As such, citizens have to approach the commission for information due to the wilful delay or denial by the public bodies which causes undue cost to citizens and the commission.
13. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
14. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

D. Order

14. The appeal is allowed. The Secretary, Ministry of Finance 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.
15. The Respondent 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 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.

16. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.
17. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
18. Copies of this order be sent to the Secretary, Ministry of Finance and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

December 22, 2021

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