

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1690-01/2022

Rana Abrar Khalid

Vs

Federal Board of Revenue

Date: 15.6.2022

Fawad Malik: Information Commissioner

Present: Mr. Ashfaq Masood, Secretary (Compliance) on behalf of Federal Board of Revenue. Appellant in person.

A. APPEAL

1. Mr. Rana Abrar Khalid filed an application under the Right of Access to the Information Act, 2017, before the Federal Board of Revenue, Islamabad. Through the application dated 31-12-2021 the applicant has requested the following information:

- a. *“Please provide the list of officers (working in the & with the Federal Board of Revenue) who are holding dual citizenship?”*
- b. *Please provide the list of officers (working in the & with the Federal Board of Revenue) who got marriage to a foreign national?*
- c. *Please provide the list of officers (working in the & with the Federal Board of Revenue) who are providing their services or consultancy (temporary / regular / part time) to the local or international (or both) NGOs. Community Development Organizations, Community Development Corporations, Non-profit Organization’s, think tanks, research Organizations/centres, consultancy firms / Organizations?*
- d. *What action has the FBR taken against many officer who have foreign citizenship or are married to a foreign national or are providing their services or consultancy (temporary/regularly/part time) to the local or international (or both) NGOs, Community Development Organizations, Community Development Corporations, Non-profit Organizations, think tanks, research organizations/centres, consultancy firms/organizations?”*

2. Feeling aggrieved for the non-provision of the information within the stipulated period provided under the Act he has filed appeal dated 18th January, 2022 before the Pakistan Commission on the Access to the information, Islamabad.

B. PROCEEDINGS

3. The Secretary (HRMIR-I), Federal Board of Revenue vide letter No. F.No.9(18)/S.HRMIR-I/2021/11239-R dated 26th April, 2021, issued the directive to all Members/Director Generals, FBR (HQ), all Chief Commissioners-IR, all Director Generals-IR, all Commissioners-IR (Appeals) and all BS-17 & above officers of Federal Board of Revenue presently on deputation/leave for the submission of the information requested by the appellant.
4. The appeal was fixed for hearing before the commission on 07-03-2022, 13-04-2022, 27-04-2022, 30-05-2022 and finally on 15-06-2022. Mr. Ashfaq Masood, secretary (Compliance) appeared before the Commission to represent the public body. He has never denied the provision of the requested information and record nor has claimed exemption or exclusion of the record rather has had been seeking time to do the needful as the information from the concerned w.r.t letter dated 26th April, 2021 are awaited.

C. COMMISSION'S VIEW

5. The appellant has desired the list of officers working in or with the Federal Board of Revenue who are holding dual citizenship or got married to a foreign national and are providing their services or consultancy (temporary / regular / part time) to the local or international (or both) NGOs., Community Development Organizations, Community Development Corporations, Non-profit Organization's, think tanks, research Organizations/centers, consultancy firms / Organizations and further inquired whether any action against such officers has been initiated by the Federal Board of Revenue.
6. The respondent public body has not claimed exemption from disclosure of the desired information and record rather vide letter dated 26th April, 2021, directed all the Members/Director Generals, FBR (HQ), Chief Commissioners-IR, Director Generals-IR, Commissioners-IR (Appeals) and all BS-17 & above officers of FBR

presently on deputation/leave for the submission of the information requested by the appellant.

7. The Commission is of the considered view that the appellant being a citizen of Pakistan reserves the right to have access to the desired information and record under article 19A of the Constitution of Pakistan read with the Right of Access to Information Act, 2017 amongst others for the following reasons:
 - a. That in a recent report submitted before the Hon'ble Supreme Court of Pakistan in a case on dual nationality revealed that more than 22,000 top government officers are dual nationals. According to the report, 11000 officers belong to police and bureaucracy, the media report said. It further revealed that the dual nationality holding officers are currently working in interior division, power division, aviation division, finance division, petroleum, commerce ministry, establishment division, information ministry, railway and others. The report or document which makes part of the judicial file before the court becomes a public document as mentioned in article 85 of the Qanun-e-Shahadat Ordinance, 1984.
 - b. That the public body has not claimed exemption from disclosure of the desired information and record rather vide letter dated 26th April, 2021, directed all the Members/Director Generals, FBR (HQ), Chief Commissioners-IR, Director Generals-IR, Commissioners-IR (Appeals) and all BS-17 & above officers of FBR presently on deputation/leave for the submission of the information requested by the appellant. The delay in the collection of information cannot be allowed for indefinite period keeping in view the limitation provided in the Act. The submission of the report before the Hon'ble Supreme Court is sufficient to prove that the detail of the dual national is complete for sharing.
 - c. One can acquire dual citizenship by either:
 - i. Having a parent who is a national of that country (citizen by descent).
 - ii. Marrying a national of that country.
 - iii. Applying for and receive citizenship of another country.
 - iv. Was born overseas.

Whatsoever be the mode of acquiring dual nationality every office holder is under obligation to disclose his nationality at the time of applying for any government employment/office. This is the basic and compulsory requirement/information to be filled in the application form. This information must be readily available with the public body and ought to have been made available on the official website of the organization.

- d. Sub Section (a) of Section 5 of the Act mandates proactive disclosure of all the officers and employees, indicating their duties, functions and their respective remunerations, perks and privileges and sub section (b) encompasses the contracts including the contracts of employment on the website of the organization to the access of the citizens.
- e. Section 7(g) of the Act relates to the personal privacy of an individual. The eligibility, suitability and the record contributing towards the selection of the successful candidate for any government office is not a matter of privacy rather make a public record as defined under the Act. The disclosure of nationality or dual or multiple nationalities is not private record rather mandatory requirement for applying or joining the government office or employment.
- f. Section 16(g) of the Act pertains to the information obtained from the third party related to the commercial or financial interests is not relevant in the case in hand.
- g. Since a very important matter of public importance has been raised by the appellant therefore the appellant has the fundamental right under article 19A of the Constitution of Islamic Republic of Pakistan, 1973 to have the knowledge that how many officers are working in or with the Federal Board of Revenue who are holding citizenship other than Pakistan or got married to a foreign national and are providing their services or consultancy to the local or international NGOs., Community Development Organizations, Community Development Corporations, Non-profit Organization's, think tanks, research Organizations/centers, consultancy firms / Organizations and further inquired whether any action against such officers has been initiated by the Federal Board of Revenue.
- h. It is right of every citizen see whether the office held by a dual national was advertised as such or the person in office has been favored against the others or the merit has been followed. The eligibility and suitability of the successful candidate for any government office is not a matter of personal privacy rather make a public record as defined under the Act.
- i. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, favoritism and inefficiency in the governance.

D. ORDER

8. The appeal is allowed. The Secretary (Compliance), Federal Board of Revenue is directed to provide the appellant all the requested information mentioned in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 21.06.2022

Certified that this order consists of 05 pages, each page has been read and signed