



In the Pakistan Information Commission, Islamabad

Appeal No 2133-08/22

Muhammad Adeel Akram (Appellant)
Vs.
Establishment Division (Respondent)

ORDER

Date: October 11, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Muhammad Adeel Akram, through his council, Syed Ishteyaq Mustafa Bukhary dated August 18, 2022, stating that he submitted an information request dated July 28, 2022 under the Right of Access to Information Act 2017 to Secretary, Establishment Division. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as under:

“Please provide the certified copies of assets declarartion of last three years from 1st July to 30th June 2022 submitted by five most senior BPS 20, BPS 21 and BPS 22 government employees of all 12 cadres are below mentioned and other non-cadre.

1. *Foreign Service Group*
2. *Pakistan Administrative Group*
3. *Police Service Group*
4. *Inland Revenue Service of Pakistan*
5. *Pakistan CustomsGroup*
6. *Commerce and Trade Group*
7. *Information Services of Pakistan*
8. *Military Lands and Cantonment Group*
9. *Office Management and Secretariat Group*
10. *Pakistan Audit and Accounts Services*
11. *Postal Group*
12. *Railwasy (Commercial and Transport) Group.”*

B. Proceedings

3. Through a notice dated August 30, 2022 sent to Deputy Secretary (Review Board), Establishment Division, 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. The appeal was fixed for hearing on October 04, 2022 and both parties were informed through notices sent on September 16, 2022. Mr. Sana ul Islam, Deputy Secretary and Ms. Sania Saeed, Section Officer, Establishment Division has attended the hearing and argued that the requested information is exempted from disclosure under the Right of Access to Information Act, 2017.

C. Discussion and Commission’s View on Relevant Issues

5. 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 relevant and complete information requested by the appellant under the Right of Access to Information Act, 2017, hereafter referred to as Act.
6. This Commission maintains that the requested information/record is declared public record in Section 12 and 13 of the Government Servants (Conduct) Rules, 1964 and the public bodies are bound to public this record under the Section 13(A) of the Government Servants (Conduct) Rules, 1964.
7. This Commission thorough an order on “Appeal No 1925-05/22 Sharafat Ali Zia Vs Establishment Division” has also held that the assets declaration submitted by the officers is public record.
8. This Commission observes that disclosure of the requested information will help in the accountability of the government officers, which will ultimately improve the transparency in the system.
9. The Establishment Division only deals with the four service groups and maintains the record of these groups that are Office Management Group, Pakistan Administrative Group, Police Services Group and Secretariat Group, therefore they can’t provide the information of the other groups.

D. Order

10. Appeal is allowed. Deputy Secretary (Review Board)/ Public Information Officer, Establishment Division is directed to provide request information about the officers of the Pakistan Administrative Group, Office Management Group, Police Services Group and Secretariat Group as mentioned in 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.

11. 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.
12. Copies of this order be sent to the Deputy Secretary (Review Board)/ Public Information Officer, Establishment Division and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 11, 2022

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