

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 2131-08/2022

Rao Anwar Ali

Vs

Ministry of Defence (Defence Division)

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Rao Anwar Ali invoking his right under the Article 19A of the Constitution of Islamic Republic of Pakistan, 1973 requested the provision of information and record from the office of the Secretary, Ministry of Defence Government of Pakistan. Through his application dated 06th August, 2022 he has requested the following information:-

- a. *“It is submitted that the Ministry of Defence (Defence Division) Rawalpindi advertise the vacant posts through Daily Jang date 24 January, 2021 and charged six hundred rupees per student for each post and call the CV through website instead of by post. Therefore, the details of its income and expenditure maybe provided to the applicant at your earliest under 19-A, Constitution of Islamic Republic of Pakistan, please.”*

<i>S #</i>	<i>Total Application received in all category</i>	<i>Total amount received</i>	<i>Detail of Expenditure involved with full detail</i>	<i>Balance/difference in column (3-4)</i>	<i>Where is balance money at per colum-5 because this money is public money not for private?</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>

Appeal No. 2131-08/2022

2. Feeling aggrieved for the non-provision of information within the stipulated period provided under the Right of Access to Information

Act, 2017 he has filed appeal before Pakistan Commission on Access to information, Islamabad.

B. PROCEEDINGS

3. The Secretary, Ministry of Defence, Government of Pakistan vide letter dated 17-06-2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 28.09.2022. No one appeared to represent the public body nor is the reply submitted.

C. COMMISSION'S VIEW

5. While dealing with the matters related to information and record sought by the citizens under the Act of 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
6. The appellant has asked for the provision of information and record pertaining to the total number of applications, total amount received, detail of expenditures and the balance amount in connection with the amount of six hundred rupees per student charged from the students for each post advertised by Ministry of Defence (Defence Division), Rawalpindi through Daily Jang date 24 January, 2021.

Appeal No. 2131-08/2022
7. The amount received by the public body from the citizens for the provision of some service falls within the sphere of public record that

ought to have been displayed and made public to the access of the public at large.

8. 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, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

9. The appeal is allowed. The Secretary, Ministry of Defence is directed to furnish the appellant all the requested information and record, 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 11.10.2022

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