

Pakistan Information Commission

Government of Pakistan

Order

Appeal No: 3366-01/2023

Naeem Sadiq

Vs

Federal Board of Revenue (FBR)

Date:

February 13, 2024

Appellant not present. Mr. Shabih Haider, Assistant Director, FBR appeared on behalf respondent/public body.

2. The FBR vide letter dated 27-12-23 sent to the appellant took legal plea that after consultation with legal advisor FBR the information required by the appellant has been found restricted under Section 7 (g) (h) of the Right of Access to Information Act, 2017. Again vide letter dated 15-01-24 written by Secretary (Compliance), FBR to this Commission it was submitted that Islamabad High Court has suspended the order of the Pakistan Information Commission in WP No. 3696/2022 in an identical case and Article 19-A of the Constitution of Pakistan does not allow the provision of such restricted information therefore request was made to close the appeal. Copy of both the said letters were also sent to the appellant and the Commission also shared the copies of these letters to the appellant who has opposed the contention of the public body besides giving the following remarks,

“While the Pakistan Information Commission ought to have itself rubbished these arguments - it did not do so, and simply forwarded the FBR letter to the appellant This should raise serious questions on why should we have Information Commissions at all, if they operate only as glorified Post Offices with little knowledge of what really are the issues under discussion.”

3. The Commission has examined the information request of the appellant, response of the public body and relevant provisions of law. The appellant has required the following information,

“Kindly provide a designation-wise list of total number of employees of FBR. No names are required. All I request is the

number of employees against each designation, such as Chairman, Members, Secretaries, DGs, Directors, Dy Directors, Asstt Directors, Commissioners, LTU, RTO, PROS, Clerks, drivers, Qasids, Naib Qasids, janitorial staff, IT staff, UDC, LDC, Coordinators, Chowkidars, Assistants, Stenos, APS, etc. Kindly ensure that the list covers ALL FBR Head Office and Regional offices across Pakistan and ALL designations, so that their sum may add up to the total number of employees of FBR. The list should include all employees, both regular as well as those on any kind of contract.

2. Kindly inform what is the total number of vehicles / cars held by FBR across the Pakistan that should include vehicles allocated to its different functionaries.

3. Kindly mention the total amount spent on monthly salaries, allowance and perks of ALL FBR employees for the month of September 2023 and October 2023.”

4. All the information required by the appellant pertains to public record and does not enjoy any exemption as claimed by the public body. According to Section 7 (g) of the Right of Access to Information Act, 2017, Record relating to the personal privacy of any individual and 7 (h) Record of the private document furnished to a public body either on an express or implied condition that information contained in any such document shall not be disclosed to a third party. None of the information / documents requested by the appellant falls under any of the categories of information mentioned in Section 7 and 16 of the Right of Access to Information Act, 2017.
5. In view of the above, plea of public body about exemption of the public information under the Right of Access to Information Act, 2017 is not tenable and is repelled. Therefore for what has been stated above, the appellant is allowed and the Chairman, FBR is directed to provide certified copies of the required information to the appellant within 10 days.
6. Before parting with this order, the Commission has serious concerns over the comments recorded by the appellant in his letter dated 27-01-24. As far as sharing of copies of the response of public body is concerned, it was necessary to obtain the objections of the appellant if any, and then to decide the appeal and the appellant himself in certain cases repeatedly demands that before the decision of his appeal, any response of public body about admission or denial be shared with him. Conduct of the appellant by recording derogatory remarks about the Commission falls within the

preview of offenses under Section 22 (c) of the Right of Access to Information Act, 2017 as it amounts to interfering with the work of the Information Commission. However, taking a lenient view the Commission has shown restraint this time from taking any action against the appellant except issuing him strict warning to avoid such derogatory remarks against the Commission failing which he can be proceeded under the relevant law.

7. Adjourned for submission of compliance report on 06-03-2024

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmed Siddiqui
Chief Information Commissioner