



Appeal # 670
RTI # 662,645

In the Pakistan Information Commission, Islamabad



Appeal No 1553-12/22

Pervez Said

(Appellant)

Vs.

Ministry of Foreign Affairs

(Respondent)

ORDER

Date: October 19, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated December 21 2021, to the Commission, stating that he submitted an information request to the Foreign Secretary, Ministry of Foreign Affairs on November 10, 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 follows:-

- i. "Please provide certified true copies of the recommendations given to the concerned Provinces for the issuance of hunting permits for Houbara Bustard between 2015 and 2021.
- ii. What is the process for monitoring compliance with the Code of Conduct for the Hunting of Houbara Bustard in Pakistan issued by the Government of Pakistan? What action is taken against those individuals and hunting parties who violate the Code? Please provide documentation of such monitoring as well as a record of action taken against violators of the Code.
- iii. How is the export of Houbara Bustard specimen controlled and regulated by the Government as per the terms of the Convention on International Trade in Endangered



B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on March 09, 2022 and its text is as under:

- i. *"As per Ministry's Legal obligations under the 'Right of Access to Information Act 2017 and upon the Information Commissioner's directives in the aforementioned appeal, it is informed that the subject information is under submission for classification as "confidential".*
- ii. *The above information is true to the best of my knowledge and correct as per available record."*

4. The Appellant submitted his response on March 19, 2022 and its text is as under:

"i. Please provide certified true copies of the recommendations given to the concerned Provinces for the issuance of hunting permits for Houbara Bustard between 2015 and 2021.

ii. What is the process for monitoring compliance with the Code of Conduct for the Hunting of Houbara Bustard in Pakistan issued by the Government of Pakistan?

What action is taken against those individuals and hunting parties who violate the Code? Please provide documentation of such monitoring as well as a record of action taken against violators of the Code.

iii. How is the export of Houbara Bustard specimen controlled and regulated by the Government as per the terms of the Convention on International Trade in Endangered species of Wild Flora and Fauna and the Pakistan Trade Control of Wild Fauna and Flora Act, 2012 which gives effect to the Convention?"

The Ostensible information provided to us in the Foreign Minister's response is as follows:

"As per this Ministry's Legal obligations under the Right of Access to Information Act 2017 and upon the Information Commissioner's directives in the aforementioned appeal, it is informed that the subject information is under Submission for classification as "Confidential".

The Above response from the Ministry implies a) that the Information Commissioner has already issued directives in the aforementioned appeal, and b) that the requested Information is under submission for classification as confidential. We submit that while the respected information Commissioner, at the scheduled hearing, had pointed towards Section 16 (a) (ii) – which provides that information shall be exempt from disclosure "if its disclosure is likely to cause damage to the interest of the Islamic Republic of Pakistan in the conduct of International Relations") – As a reason why the subject information could not be made available we have not been provided with any written directions from this respected office to Information Act, 2017 list the different the different types of information that are exempt from disclosure, specifically under section 16 of the Act. None of the reasons cited by the Ministry fall squarely within the exemptions under the Act.

Even otherwise, we respectfully submit that the information we have requested relates solely to the conservation of the species that has been interionally declared to be



threatened with extinction and is hence a matter of public importance. This is evident from a bare reading of the questions themselves.“

5. The Respondent submitted his response on August 29, 2022 its text is as under:

“As per this Ministry’s legal obligations under the ‘Right of Access to Information Act 2017, and upon the Information Commissioner’s directives in the aforementioned appeals response to the query by the petitioner is being shared.

- i. *Request for information under the Right of Access to Information Act, 2017, regarding provision of information related to hunting permits for Houbara Bustard. It is to inform that the competent authority had, under Section 7(f) of the Right of Access to Information Act-2017 approved classification of all record related to hunting issues including requests related to movement of personal falcons of Arab dignitaries on 18 March 2022. The note cannot be shared. A copy of this U.O. note is also being sent to the petitioner.*
- ii. *The above information is true to the best of my knowledge and correct as per the available record.”*

6. Hearing on the instant Appeal was fixed for October 13, 2022 vide letter dated October 06, 2022 .The Respondent was represented by M. Umar Sheikh, Assistant Director, Ministry of Foreign Affairs. The text of the response submitted by the Respondent is as under:

1. *“Certified true copies of the recommendations given to the concerned provinces of the issuance of hunting permits for Houbara Bustard between 2015 and 2021.*

Reply: The requested information was classified by the Minister in Charge under Section 7 (f) of the Right of Access to Information Act, 2017.

2. *What is the process for monitoring compliance with the Code of Conduct for the Hunting of Houbara Bustards in Pakistan issued by the Government of Pakistan? What action is taken against those individuals and hunting parties who violate the Code? Please provide documentation of such monitoring as well as a record of action taken against violators of the Code.”*

Reply: The requested information is not held by the Minister of Foreign Affairs as it is not responsible for monitoring compliance of code of conduct for hunting of Houbara Bustards. The Ministry of Climate Change as well as Provincial Wildlife Board is the relevant authorities for such information.

3. *How the export of Houbara Bustard specimen is controlled and regulated by the Government as per the terms of the Convention on International Trade in Endangered Species of Wild Flora and Fauna and the Pakistan Trade Control of Wild Fauna and Flora Act, 2012 which give effect to the Convention.*

Reply: The requested information is not held by the Ministry of Foreign Affairs, Convention on International Trade in Endangered Species of Wild Flora and Fauna and the Pakistan Trade Control of Wilf Fauna Act, 2012 is the subject of Ministry of Climate Change. It is advised the applicant may seek such information from the Ministry of Climate Change and Provincial Wildlife Boards.”



C. Issues

7 The instant appeal has brought to the fore the following issue:

Can the requested information: "certified true copies of the recommendations given to the concerned Provinces for the issuance of hunting permits for Houbara Bustard between 2015 and 2021" be disclosed under the Right of Access to Information Act, 2017?

D Discussion and commission's views on relevant issues:

8 This commission has settled the issue in the instant Appeal in Appeal No. 1740-02/22, in the case of Naeem Sadiq Vs Ministry of Foreign Affairs.

9 This commission notes that the Minister-in-Charge has classified under Section 7 (f) of "2017 Act" requested" certified true copies of the recommendations given to the concerned Provinces for the issuance of hunting permits for Houbara Bustard between 2015 and 2021". However, the Minister-in-Charge has not followed the manner enunciated in the "the 2017 Act" to classify records by recording reasons as to why records cannot be disclosed.

10 As the Minister-in-Charge has not recorded reasons for classifying the requested information/record, this commission is left with no option but to determine as to whether disclosure of the requested letters written to provinces as to who could hunt and how many Houbara Bustards is in public interest and whether harm from disclosure of this information outweighs public interest.

11 While there are strong arguments for the disclosure of the requested information in public interest, this commission is also mindful of the obligation of the state of Pakistan to its people to keep the requested information shrouded in the veil of secrecy in the larger economic interest of the people of Pakistan. In short, the idea is right, the time is not, especially given the interplay between the economic interests of the people of Pakistan and the inter-state relations at the present moment. Hence, the requested information cannot be disclosed under Section 7 (f) and Section 16 (1) (ii) which states that information is exempted from disclosure if "its disclosure is likely to cause damage to the interests of the Islamic Republic of Pakistan in the conduct of International Relation".


E. Order

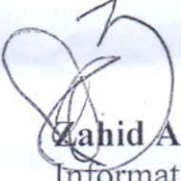
12 The Appeal is disallowed as the requested information: "certified true copies of the recommendations given to the concerned Provinces for the issuance of hunting permits for Houbara Bustard between 2015 and 2021" cannot be disclosed under Section 7 (f) and Section 16 (1) (ii) of the Right of Access to Information Act, 2017.



Pakistan Information Commission
Government of Pakistan
Islamabad

13 Copies of this order be sent to the Respondent and the Appellant for information.


Mohammad Azam
Chief Information Commissioner


Zahid Abdullah
Information Commissioner

Announced on 19.10.2022

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



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