

**PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR, ISLAMABAD

Federal Board of Revenue
Versus
Mr. Muhammad Saleem Butt, Karachi

REPRESENTATION PREFERRED BY FEDERAL BOARD OF REVENUE AGAINST FINDINGS / RECOMMENDATIONS DATED 09.10.2017 PASSED BY THE FTO IN COMPLAINT NO. 202/KHI/FTO/2017

I am directed to refer to your representation No. 5(67)SS(DT-Fate)/2016(Pt), dated 10.11.2017 on the above subject and to say that the President has been to pass the following order:

2. This Representation dated 10.11.2017 has been filed by the Federal Board of Revenue (FBR)/ Agency against the findings of the FTO dated 09.10.2017, whereby it has been held that:

"FBR to-

- (i) ensure that information requested by the Complainant is provided to him within 30 days; and
- (ii) submit compliance report within 07 days thereafter."

3. The Brief facts of the case are that the Complainant has invoked jurisdiction of this Office under Section 19 of the Freedom of Information Ordinance, 2002 (the FIO) for alleged failure of the Federal Board of Revenue (FBR) to supply information relating to extra ordinary reward exceeding two basic salaries disbursed to the officers of BS-19 to 21 under Unified Reward Rules (URR), 2006 (the Rules) for the period ending 30.6.2007 (2007-08), 30.6.2008 (2008-09), 30.6.2009 (2009-10), 30.6.2010 (2010-11) and 30.6.2011 (2011-12). Added that despite his repeated efforts the FBR paid no heed to his request. The information was sought in the following format while relying on findings/ recommendations issued by this forum, in C.No.1015/2012:

Year	Name of the officer	Grade	Brief details of achievement (other than achieving the budget)	Amount of Reward enumerating number of salaries
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4. The complaint was referred to the Secretary, Revenue Division for submission of comments. In response thereto, the Member (FATE) FBR submitted parawise comments vide letter dated 18.07.2017, contending that information requested by the Complainant was confidential in nature and does not fall within the definition of 'public record' in terms of Section 7 of the FIO. The same, therefore, cannot be provided to the Complainant under sub-Section (c), (g) and (i) of Section 8 of the FIO. Further asserted that as per Rules, an officer/ official of FBR on the basis of recommendations could only be granted reward upto 2 basic salaries. This fact was communicated to the Complainant vide letter dated 17.07.2017 by the F.B.R.

5. The averments of both the parties have been given due consideration and record perused.

6. From the perusal of the contents of information requisitioned by the Complainant, it is evident that the Complainant only requested for information regarding grant of extraordinary reward exceeding two basic salaries disbursed to the officers of BS 19 to 21 with their names and other relevant details as mentioned supra, so as to see whether he was not being discriminated by the FBR while awarding him the reward of only two basic salaries. The Member (FATE) FBR vide letter dated 18.07.2017 has mentioned that such information could not be provided to the Complainant under sub-Sections (c), (g), and (i) of Section 8 of FIO. The departmental contention that access to information was denied as it related to any intermediary opinion or recommendation, record relating to personal privacy of any individual and any other record which the Federal Government may in public interest exclude from the purview of the Ordinance have been examined and found to be misconceived. The information sought for does not relate to any of these conditions but simply relates to the allowance of reward to officers exceeding two salaries. The access to such information by the Complainant is his right so that he could know that the Reward Policy was not flouted by the FBR. FOI entitles citizens to have access to public records for ensuring transparency and promoting good governance. Thus as per FIO the Respondent is bound to disclose information requested by the Complainant. The requested information cannot be denied without being in violation of law and the Constitution.

7. The instant representation has been made by the FBR. The Agency has taken ground that the Agency has stated that Mr. Muhammad Saleem Butt (Retired) BS-21 office of Inland Revenue Service filed a complaint before the Hon'ble Federal Tax Ombudsman (FTO), invoking jurisdiction of the FTO office, under Section 19 of the Freedom of Information Ordinance, 2002 (FIO) for alleged failure of the Federal Board of Revenue to supply/ provide access to the complainant to the basic information relating to grant of extraordinary reward exceeding two basic salaries disbursed to the officers of BS-19 to BS-21 for the period ending 30.6.2007 (2007-08), 30.6.2008 (2008-09), 30.6.2009 (2009-10), 30.6.2010 (2010-11) and 30.6.2011 (2011-12).

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