



Appeal No 195-12/19

Syed Muhammad Amin Gilani (Appellant)

Vs.

Department of Stationery and Forms (Respondent)

ORDER

February 25, 2020

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 03/12/19 in which he stated that he had requested information from the Department of Stationery and Forms under the Right of Access to Information Act, 2017.

2. The information sought by the Complainant, through application dated 23/10/19 Director General, Department of Stationery and Forms is as under:

“I’d like to request: a copy of all published copies of the Gazette of Pakistan in possession of the Department of Stationery & Forms.

Please ensure that the records:

- Include all published issues in recorded history up to the present date;
- Include every issue within the department’s stewardship, regardless of which office they are in; and
- Where possible, are delivered in a digital format to save time and delivery costs

1: www.pakistani.org/pakistan/constitution/part2.ch1.html

2: http://www.na.gov.pk/uploads/documents/1506960942_594.pdf

Please note that this letter is sufficient for a request under the Right of Access to Information Act, 2017 and, therefore, your organization is “required to respond to a request as soon as possible and in any case within ten working days of receipt of the request.” This requirement has

(2)

also been reaffirmed per the precedence set by the Honorable Lahore High Court in its response to Writ Petition 222681/2018 (Syed Muhammad Amin Gilani vs. Federation of Pakistan).

You may send me a reply in writing to my address above, or preferably via email to amin@gilani.me”

3. On 11/11/19, the Department of Stationery and Forms responded to the request for information of the Appellant through a letter issued from the Office of Controller which is as under:

“Reference your letter dated 23 October, 2019, on the subject cited above. In this regard it is informed to you that The Department of Stationery and forms is responsible for sale/supply of the Gazette of Pakistan to the subscribers on payment of annual subscription fee and to the General Public on payment of face value of each Gazette. You can obtain your required Gazette of Pakistan, available with this Department, on payment of face value of each for the past period and on advance payment annual subscription fee of Rs.9400/- for the future as per your requirement.

It is requested to ascertain your requisite Gazettes, enabling this office to furnish you a bill thereof, required Gazettes will be supplied as soon as the payment of the same received”.

B. Proceedings

4. The hearing date was fixed for 22/01/2020 through the hearing notice sent on 19/12/19 and both parties were informed accordingly.

5. The hearing notice of the commission sent to Muhammad Akram Mast, Assistant Controller (Publication), Office of the Deputy Controller, Department of Stationery and Forms, is as under:

“Find enclosed Schedule of Costs notified by Pakistan Information Commission and copy of the Right of Access to Information Act 2017 for ready reference. You are directed to submit written reply before the date of hearing.

Note: The case record in the above cited appeal, if any, be produced before the Information Commission at the time of hearing”

6. No one appeared on behalf of the Respondent at the time of hearing nor any written response was submitted by the Respondent.

C. Discussion and Commission’s View on Relevant Issues

7. The questions for the consideration of the commission are as under:

(3)

(a) Can a public body charge its proscribed fee for providing requested information declared to be public information the Right of Access to Information Act 2017 in the presence of Schedule of Costs notified by the commission?

(b) Is the public body obligated to provide requested information to a citizen in the preferred mode of receiving the requested information?

8. A Gazette contains notifications which are public documents under Section 5 (b)¹ of the Act. Furthermore, under Section 8² of the Act, all federal public bodies were legally bound to computerize and make available online all public documents mentioned in Section 5 within 6 months of the commencement of the Act

9. Section 15³ of the Act states that a public body can only charge prescribed fee for the cost of reproducing information and sending it to the applicant. Section 27 of the Act empowers the commission to make Regulations including prescribing fee to be charged for providing the requested information to the applicant under this Act. A public body can only charge fee mentioned in the ‘Schedule of Costs’ already issued by the commission under Section 27 (b) of the Act.

10. This commission is of the view that the cost of getting access to information should not deter citizens from exercising their right of access to information in matters of public importance. That is why elected representatives of the people of Islamic Republic of Pakistan inserted Section 3⁴ in the Act to ensure that the citizens have prompt access to information at “the lowest and reasonable cost”.

11. This commission notes with concern that while Section 11 (2)⁵ the Act facilitates applicant to file information requests in the manner of their choices, the federal public bodies have neither taken steps to receive information requests in different modes to facilitate citizens nor taken steps to provide them requested information promptly and in cost effective modes of their choices.

¹Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect

1. ²Computerization and Voluntary Disclosure of record--- Each public body shall Endeavour to ensure within the time prescribes in section 5 and that all record accessible under this Act is computerized and is available online so that authorized access to such public records is facilitated.

2. ³Fee for requests--Prescribed fee may be charged for the cost of the reproducing information and sending it to the applicant.

3. ⁴Right to have access to information not be denied— (1) subject to the provisions of the Act, no applicant shall be denied access to information or record held by the public body

(2) This Act may be interpreted so as to advance its purposes as set out in the preamble and to—

a) Promote the right of access to information; and

Facilitate and encourage promptly the disclosure of the information at the lowest and reasonable cost.

⁵A request under sub-section (1) shall in writing and made in any manner in which the public body has the facilities to receive it, including in person, by email, fax, online or e-mail.

(4)

12. This commission has been entrusted with the solemn responsibility of advancing the purpose of this Act enunciated in the Preamble⁶ of the Act and holds that objectives mentioned in the Preamble will only be achieved if the citizens have prompt and cost-effective access to information in matters of public importance.

13. This commission holds that the Respondent is in possession of the requested information which it was legally bound to computerize and make accessible through online to the citizens of Pakistan. While the Respondent may provide Gazettes to the citizens who prefer printed book and through annual subscription, the Respondent should also make all Gazettes accessible through online.

D. Order

14. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant through E-mail at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, the Respondent is directed to take immediate steps to publish all Gazettes online and submit the compliance report to the commission by 24/03/2020.

15. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
February 25, 2020

This order consists of 4 (four) pages, each page has been read and signed.

⁶Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights.

