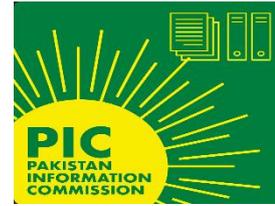


Pakistan Information Commission

1st Floor, National Arcade, 4-A Plaza
Near PSO, F-8 Markaz, Islamabad
Website: www.rti.gov.pk
Phone: 051-9261014



Appeal No-036-03/19

Shumaila Hussain Shahani

(Appellant)

Vs.

Federal Investigation Agency

(Respondent)

ORDER

Date: August 3, 2020

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 8/01/2019 in which she stated that she had requested information from National Database and Registration Authority under the Right of Access to Information Act 2017.
2. The information sought by the Appellant, through application dated 3/07/2018, is as under
 - i. How many people have been granted bail under Prevention of Electronic Crimes Act, 2016? Provide Case numbers?

B. Proceedings

3. Through notice dated 14/03/2019, the commission asked the public body to submit reasons as to why the required information has not been provided to the Appellant. The notice was not responded by the Public body/respondent, hence the appeals were fixed for hearing on 29/07/2019 and the respondents were informed vide notices dated 11/07/2019, accordingly.
4. On 29.07.2019, Usama Khilji appeared on behalf of the appellant whereas nobody appeared on behalf of the Respondent hence the commission directed to issue notice to the DG F.I.A Islamabad and 2nd notice dated 26/06/2019 followed by the Final notice dated 11/10/2019 were issued wherein the Commission called upon the Director General FIA to explain the reasons for not providing the requested information, otherwise the Commission will take

action under Section 20(f) of Right of Access to Information Act 2017 and the appeals were fixed for hearing on 29.10.2019.

5. On 29.10.2019 again no one appeared on behalf of the public body.

C. DISCUSSION AND COMMISSION'S VIEW ON RELEVANT ISSUES

6. Article 85 of the Qanoon-e-Shahadat order 1984 deals with public documents and reads as follows:-

“85. Public documents. The following documents are public documents.

(1) Documents forming the acts or records of the acts.

(i) Of the sovereign authority.

(ii) of official bodies and tribunals, and

(i) of public officers, legislative, judicial and executive, of any part of Pakistan, or of a foreign country,

(2) Public records kept in Pakistan of Private documents.

(3) Documents forming part of the records of judicial proceedings.

(4) Documents required to be maintained by a public servant under law, and

(5) Registered documents the execution whereof is not disputed.

(6) Certificates deposited in a repository pursuant to the provisions of the Electronic Transactions Ordinance 2002”.

6. According to Section 5(1) of Right of Access to Information Act, 2017 regarding publication and availability of record, the principal officer of each public body within 6 months of the commencements of the Act had to ensure the categories of information and record mentioned in Section 5 of the Act to be published and uploading over the internet. If the public body meet its obligations with responsibility and proactively published the record as required under the Act, surely the requested information in the instant appeals would not have been filed, but the public body's failure make the citizen to invoke the jurisdiction of this commission.
7. The commission is of the view that the Respondent failed to implement Section 12 and Section 13 (1) & (2) of the Right of Access to Information Act 2017 as requested information has not been provided to the appellant.

8. The respondent has not provided the requested information to the citizen within a maximum of 20 working days of the receipt of the information request and thus failed to comply by Section 14 (1) and (2) of the Right of Access to Information Act 2017.

D. Order

9. The appeal is allowed. The respondent is directed to provide the requested information to the appellant at the earliest but in any case not later than 20 working days of receipt of the order with copy to this office. The respondent is also directed to take immediate steps to proactively share through its website all categories of information mentioned in section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission by 7/09/2020.
10. Copies of this order being 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: August 3, 2020

This order consists of three pages and each page is read and signed.