

**In the Pakistan Information Commission, Islamabad**

Appeal No. 037-03/19

Dr. Syed Raza Ali Gardezi (Appellant)

V/S

Chairman, Port Qasim Authority, Karachi (Respondents)

Date: 26.12.2019

**Fawad Malik. Information commissioner**

**A. THE APPEAL**

1. Dr. Syed Raza Ali Gardezi (Appellant) submitted an application, to the Chairman, Port Qasim Authority, Karachi (Respondent) on 10.01.2019 seeking therein copy of the **“Master Plan of Port Qasim Authority”** under Article 19-A of the Constitution of Pakistan 1973 read with Right of Access to Information Act 2017. He submitted for both hard and soft copy.
2. The Respondent did not respond to the request within the stipulated time of 10 days provided in the Act, therefore the appellant invoked his right of Appeal as provided under the Act before the Commission on 06.02.2019.

**B. PROCEEDINGS**

3. The respondent / public body was served with notice dated 03.04.2019 to provide reasons within seven working days of the receipt of the notice as to why the requested information has not been provided within 10 working days as required under section 14 of the Right of Access to Information Act 2017.
4. On failure of the respondent to respond the notice, the Commission through the second notice dated 01.07.2019 provided the respondent another opportunity to do the needful within three working days, which too met the same fate, hence vide notice dated 11.01.2019 fixed the appeal for hearing on 31.07.2019.
5. At the time of hearing no one appeared on behalf of the respondent however through a letter No. PQA/IM/M(S)/202/2019 dated 09.08.2019, the Secretary Port Qasim informed the Commission that the requested information is already available at Port Qasim Authority's official website link. <https://www.pqa.gov.pk/Content/Upload/Post/File-179fd5da-2f2e-404c-b46d-148ab46dacba2018-29-11-18-58-20.jpg>  
The respondent alongwith the reply also forwarded a hard copy of Master Plan of the Port Qasim Authority to the Commission.
6. The response of the public body alongwith hard copy of the Master Plan of Port Qasim Authority received from the respondent was acknowledged to the appellant vide letter dated 13.09.2019. Feeling dissatisfied the appellant objected the response as follows;

*"As can be seen from the perusal of the downloaded document, it is an unauthenticated layout plan of the Port Qasim. A Master Plan is a federally notified and gazette document, the sanctity of which lies in its approval by the Federal Authority. A properly approved, notified and then gazette Master Plan is a sacrosanct document which cannot be altered without following a set laid down*

(3)

*procedure and approval from the Federal Authority, whereas an unofficial document can be altered at the whims and fancy of any and sundry.*

*This is confirmed even by Section 10 of the Port Qasim Authority Act of 1973, which states;*

***10. Master-Plan and master-programme.*** *The Authority shall prepare a master-plan and a phased master-programme for the development of the Port area and the plan and programme shall be submitted to the Federal Government for approval.”*

C. **DISCUSSION**

7. The requested information “Master Plan of Port Qasim Authority” is available at the Port Qasim Authority’s official website link provided by the authority for access to the public at large.
8. Where the information is provided in accordance with clause (a) of sub section (2) of Section 13 Right of Access to Information Act 2017, it would be certified by the public body to the effect that, the copy is a true copy of the original record and the certification will be dated and signed by the designated officer or the other responsible officer of the public body..
9. In case where the public body has duly published and uploaded over the internet information and record mentioned in section (5) of the Act, the certification mentioned in section 13(3) of the Act is not required.
10. The official record uploaded on the official website link of the public body is deemed to be correct and all the information downloaded from the official website link do not require attestation.

(4)

**D. ORDER**

11. The requested information “Master Plan of Port Qasim” is available at the official website of Port Qasim Authority as required under section (5) of Right of Access to Information Act 2017 and do not require certificate of authentication

**Mohammad Azam**  
Chief Information Commissioner

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Certificate: It is certified that this order consists of four (4) pages. Each page has been read and signed.

Appeal No. 037-03/19

Dr. Syed Raza Ali Gardezi (Appellant)

V/S

Chairman, Port Qasim Authority, Karachi (Respondents)

Date: 31.12.2019

**Fawad Malik. Information commissioner**

**E. THE APPEAL**

12. Dr. Syed Raza Ali Gardezi (Appellant) submitted an application, to the Chairman, Port Qasim Authority, Karachi (Respondent) on 10.01.2019 seeking therein copy of the **“Master Plan of Port Qasim Authority”** under Article 19-A of the Constitution of Pakistan 1973 read with Right of Access to Information Act 2017. He submitted for both hard and soft copy.

13. The Respondent did not respond to the request within the stipulated time of 10 days provided in the Act, therefore the appellant invoked his right of Appeal as provided under the Act before the Commission on 06.02.2019.

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**F. PROCEEDINGS**

14. The respondent / public body was served with notice dated 03.04.2019 to provide reasons within seven working days of the receipt of the notice as to why the requested information has not been provided within 10 working days as required under section 14 of the Right of Access to Information Act 2017.
15. On failure of the respondent to respond the notice, the Commission through the second notice dated 01.07.2019 provided the respondent another opportunity to do the needful within three working days, which too met the same fate, hence vide notice dated 11.01.2019 fixed the appeal for hearing on 31.07.2019.
16. At the time of hearing no one appeared on behalf of the respondent however through a letter No. PQA/IM/M(S)/202/2019 dated 09.08.2019. The Secretary Port Qasim informed the Commission that the requested information is already available at Port Qasim Authority's official website link. <https://www.pqa.gov.pk/Content/Upload/Post/File-179fd5da-2f2e-404c-b46d-148ab46dacba2018-29-11-18-58-20.jpg>  
The respondent alongwith the reply also forwarded a hard copy of Master Plan of the Port Qasim Authority to the Commission.
17. The response of the public body alongwith hard copy of the Master Plan of Port Qasim Authority received from the respondent was acknowledged to the appellant vide letter dated 13.09.2019. Feeling dissatisfied the appellant objected the response as follows;

*“As can be seen from the perusal of the downloaded document, it is an unauthenticated layout plan of the Port Qasim. A Master Plan is a federally notified and gazette document, the sanctity of which lies in its approval by the Federal Authority. A properly approved, notified and then gazette Master Plan is a sacrosanct document which cannot be altered without following a set laid down*

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*procedure and approval from the Federal Authority, whereas an unofficial document can be altered at the whims and fancy of any and sundry.*

*This is confirmed even by Section 10 of the Port Qasim Authority Act of 1973, which states;*

*10. Master-Plan and master-programme. The Authority shall prepare a master-plan and a phased master-programme for the development of the Port area and the plan and programme shall be submitted to the Federal Government for approval.”*

G. **DISCUSSION**

18. The requested information “Master Plan of Port Qasim Authority” is available at the Port Qasim Authority’s official website link provided by the authority for access to the public at large.
19. Where the information is provided in accordance with clause (a) of sub section (2) of Section 13 Right of Access to Information Act 2017, it would be certified by the public body to the effect that, the copy is a true copy of the original record and the certification will be dated and signed by the designated officer or the other responsible officer of the public body.
20. In case where the public body has duly published and uploaded over the internet information and record mentioned in section (5) of the Act, the certification mentioned in section 13(3) of the Act is not required.
21. The official record uploaded on the official website link of the public body is deemed to be correct and all the information downloaded from the official website link do not require attestation.

(4)

H. **ORDER**

22. The requested information “Master Plan of Port Qasim” is available at the official website of Port Qasim Authority as required under section (5) of Right of Access to Information Act 2017 and does not require certificate of authentication. Since the Appellant had requested for both hard and soft copies of the Master Plan of Port Qasim, the Respondent is directed to share with the Appellant hard copy of the master plan accompanying certificate of authentication as required under Section 13 (3) of the Right of Access to Information Act 2017, within ten (10) working days of the receipt of the order.

**Mohammad Azam**  
Chief Information Commissioner

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Certificate: It is certified that this order consists of four (4) pages. Each page has been read and signed.