

## IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1035-05-2021

Yasin Abdul Nasir Butt  
Vs  
Federal Investigation Agency

Date: 14.7.2021

Fawad Malik: Information Commissioner

### APPEAL

1. Mr. Yasin Abdul Nasir Butt, Advocate High Court filed appeal dated 5.5.2021 before the Pakistan Information Commission under the Right of Access to Information Act, 2017 stating therein that his request for certain information has not been responded by the Federal Investigation Agency, Lahore. The appellant is authority holder on behalf of the Planning & Development Department Employers Cooperative Housing Authority Ltd., Canal Bank Road, Lahore. He has appended along with the appeal the following documents:
  - i. Call up notice dated 22.3.2021 to the President, P&D Housing Society, Canal Bank Road, Lahore, u/s 160 Cr. P.C in Enquiry no. 514/2019, registered at FIA/ACC, Lahore.
  - ii. Letter No. AD/FIA/ACC/LHR/2019 dated 18.1.2019.
2. The appellant through his application dated 20.4.2021 addressed to the Public Information Officer of Federal Investigation Agency, Lahore has desired the following information:
  1. *“In compliance with the orders of Honorable Supreme Court of Pakistan dated 08<sup>th</sup> May 2017 in C.P.LA No.1331/2017, FIA held meeting dated 21<sup>st</sup> July 2017. Kindly provide me the notification issued to FIA in the light of orders of Honorable Supreme Court of Pakistan dated 8<sup>th</sup> May 2017 regarding enquiries, the minutes of meeting conducted by FIA dated 21 July.2017, checklist by FIA, Tor’s (Terms of reference) devised by FIA, notification regarding inquiry No.514/2019 by FIA, SOP’s regarding inquiry No.514/2019 and scope/parameters of investigation, detailed report regarding inquiry No.514/2019.*
  2. *It is most respectfully prayed that the information requested above along with attested copies of all relevant documents and record should be provided to the applicant in stipulated time as per law.”*

### PROCEEDINGS.

3. The Public Information Officer, Federal Investigation Agency, Lahore vide letter dated 19.05.2021 was directed to provide

reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body are bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 17.6.2021. No one appeared to represent the respondent however, the Sub-Inspector/Enquiry Officer, FIA, Punjab Zone-1, Lahore vide letter No. DD/FIA/CBC/LHR/E-514/19/1093 dated 2.7.2021 submitted the reply to the following effect:

*“A total of 118 Enquiries were registered against Cooperative Housing Societies in the light of directions passed by the Honourable Supreme Court of Pakistan during the hearing of ‘Suo Moto Case No. 06/2017 & CMA No. 6780/2017 in P 1331/2017 and HRC No. 25681-P/2017 and CMA No. 9967, 9618, 10907 & 10908/2018’ on the allegation of irregularities/illegality committed in Cooperative Housing Societies. The subject enquiry was registered against the management of ‘Planning & Development Cooperative Housing Society’, UBH Canal Bank, Lahore on the above mentioned allegations. Further guidance/documents can be obtained from the record of proceedings of the above mentioned cases from Honourable Supreme Court of Pakistan. However, this office is available for any further assistance in the matter.”*

5. The appellant is not satisfied with the response of the FIA for the reason that it is not specific and to the point to his request therefore the appeal was fixed for hearing before the Commission on 14.7.2021. Again no one appeared to represent the organization.

#### **COMMISSION’S VIEW.**

6. While dealing with the matters related to information and record sought by the citizens under the Act of 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are waived. The reply is not specific and to the point and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is wilfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.

7. The appellant has specifically asked for the copy of notification issued by the FIA in compliance with the direction of the Honourable Supreme Court of Pakistan in CP No. 1331/2017 vide order dated 8.5.2017. He want the detail regarding enquiries, minutes of meetings conducted by FIA, checklist and terms of reference (TOR)'s devised by the FIA in the meeting held on 21.7.2017. The reply of the respondent is neither specific nor satisfactory and to the point to address the application, rather evasive. The appellant has desired all the information under the right of access to information to defend the notice issued by the enquiry officer to the President, P&D Housing Society Canal Bank Road, Lahore, u/s 160 Cr. P.C in enquiry no. 514/2019 registered at FIA/ACC, Lahore.
8. The appellant has requested the requisite information for defending the criminal enquiry faced by the administration of P&D housing society. The FIA authority has summoned the administration of the society to join for the enquiry/investigation therefore the representatives of the society has the legal and constitutional right of fair trial and for availing their remedies provided under the law. It is the Constitutional and Statutory right of the citizens as well, to seek the record of public importance and public record from the public bodies under article 19A of the Islamic Republic of Pakistan and the Right of Access to Information Act, 2017.
9. Furthermore, section 5(1)(b) of the Act mandates the orders and notifications of the organization to be made public through publication and uploading over the internet to ensure its accessibility for the public at large.
10. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

ORDER.

11. The appeal is allowed. The Public Information Officer, Federal Investigation Agency is directed to provide the appellant the requested information forthwith but not later than seven days of the receipt of this order.

Mohammad Azam

Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 26.7.2021

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