

## Pakistan Information Commission

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### In The Pakistan Information Commission, Islamabad

Appeal No 1127-06/21

Farkhanda Manzoor

(Appellant)

Vs.

Pakistan Railways

(Respondent)

### ORDER

Date: May 27, 2022

Mohammad Azam: Chief Information Commissioner

#### A. The Appeal

1. This commission has received an appeal from Mrs. Farkhanda Manzoor dated June 06, 2021, stating that she submitted information request dated May 20, 2021 under the Right of Access to Information Act 2017 to the Chief Personnel Officer / Public Information Officer, Pakistan Railways. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as under:

یہ کہ مجھے بنوولنٹ فنڈ کی مد میں عرصہ 2010 سے تاحال کتنی رقم دی گئی ہے، بنوولنٹ فنڈ نمبر S-1-89/122 یہ کہ سال 2010 سے مئی 2021 تک مجھے جاری ہونے والی رقم کے ریکارڈ کی تصدیق شدہ فوٹوکاپی فراہم کئے جانے کی استدعا ہے۔

یہ کہ عرصہ 2011 سے 2021 تک پاکستان ریلوے لاہور ڈویژن کو کتنی رقم بنوولنٹ فنڈ کی مد میں متعلقہ ڈیپارٹمنٹ سے وصول ہوئی تصدیق شدہ فوٹوکاپی فراہم کرنے کی استدعا ہے۔

یہ کہ پاکستان ریلوے لاہور ڈویژن کے بنوولنٹ فنڈ اکاؤنٹ میں اس وقت کتنی رقم موجود ہے؟

#### B. Proceedings:

3. Through a notice dated June 17, 2021, sent to Chief Personnel Officer / Public Information Officer, Pakistan Railways, the Commission called upon the Respondent

to submit reasons for not providing the requested information, which was not replied with in the given time.

4. The appeal was fixed for hearing on August 31, 2021 and both parties were informed through notices sent on August 02, 2021.
5. The Respondent through letter vide No RAD 2453 dated Nil submitted its response which is as under:  
*“DPO/Lahore has intimated to this office that Mst. Farkhanda Manzoor w/o Manzoor Hussain R/O Sambrial Distt: Sialkot withdrawn her application after checking complete register of Benevolent Fund grant in the present of her son Syed Shafqat Abbas Gillani.”*
6. Response submitted by the public body was shared with appellant on August 23, 2021.
7. The appellant through an email dated September 01, 2021 submitted rejoinder to the information shared by the public body and expressed dissatisfaction to the response of the public body.
13. Rejoinder submitted by the appellant was shared with the public body on September 02, 2021 with the directions to submitted response to the queries of the appellant within 10 working days.
14. The appeal was fixed for hearing on November 09, 2021 and both parties were informed through notices sent on November 01, 2021.
15. The respondent through a letter vide No 974-E/BF/LHR/SWL1 dated November 12, 2021 submitted response to the queries of the appellant which is as under:  
*“With reference to your good office hearing summon in appeal No. 1127-06/2021 dated 09-11-2021, It is intimated that the information/reply on the appeal submitted by Mst: Farkhanda Manzoor v/s Pakistan Railways is as under:*
  1. *Not admitted being all reply on the appeal of Mst: Farkhanda Manzoor was submitted by this office to Wafaqi Mohtasib Regional Office, Lahore & Gujranwala on true basis (Annexure-A).*
  2. *As verbally committed with Wafaqi Mohtasib Regional Office, Lahore in October-2020 Mst: Farkhanda Manzoor came in Office & checked all record related to her and given written statement that she is satisfied (Annexure-B). As per verbal instruction during the hearing with Wafaqi Mohtasib Gujranwala the payment of arrear funds amounting to Rs.66558/- will be paid within 03 installments on the availability of funds, whereas 1<sup>st</sup> installment Rs.28034/- by Cheque # 16846428 has been delivered to Appellant home address (Annexure-C) beside her name is in priority list of Serial No. 25.*
  3. *Mst: Farkhanda Manzoor given satisfaction written statement to this office in October-2020 but not since 2018.*
  4. *While Mst: Farkhanda Manzoor check her record and she could not demand copies of record.*

5. *Arrear amount of Mst: Farkhanda Manzoor will be paid from regular BF amount, However arrear amount are not received since long. Arrear funds and regular Funds are two different funds. As per letter of (DMG) Secretary Central Committee of Benevolent Fund Headquarter Office Lahore, the detail and record of payment of such arrear claims may be keep separate from the regular monthly payment of benevolent fund grant.*
6. *It is appraised that Mst: Farkhanda Manzoor name falls at S.No. 25, where the above 24 Nos, are still paid the arrears.*
7. *Not admitted being some record (Bank statements) are confidential. Attested copies of Benevolent Fund Register S-1/122 (Disbursing BF amount to Mst: Farkhanda Manzoor is placed at Annexure-D. State of Regular Benevolent Fund since 2015 to 2021 is placed at Annexure-E. Copy of Priority List is placed at Annexure-F. It is furthermore, according to the Senior Administrative Officer Pakistan Railways Lahore that the Ministry of Railways is not in a condition to provide additional funds as desired. Comments are as under:-  
***“The available resources are being provided proportionally to all the divisions quarterly. As and when additional funds are made available, the same will be transferred to the divisions’s”*** leter placed at Annexure-G.*

*In view of position explained above, it is intimated that the remaining arrear amount Rs.28, 524/0 will be deliver to Mst: Farkhanda Manzoor in two installments on the availability of funds as per the priority list.*

*Keeping in view, it is therefore requested that the case may please be filed.”*

16. Response submitted by the public body was shared with the appellant on November 16, 2021.
17. The appellant on November 22, 2021 again submitted her rejoinder to the response of the public body.
18. Rejoinder submitted by the appellant was shared with the public body on November 23, 2021 with the directions to submitted response to the queries of the appellant within 10 working days.

### **C. Discussion and Commission’s View on Relevant Issues:**

14. The commission has to decide:
  - i. Whether the requested information falls within the ambit of public document under the Right of Access to Information Act, 2017, hereafter referred to as the “Act” or not?
  - ii. Whether the public body has provided the relevant and complete information to the appellant
15. This Commission maintains that the requested information belongs to the category of information which public bodies are legally bound to proactively disclose, through their web sites, under Section 5 (e) of the Act, which is as under:

“ e) The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body”

16. The respondent in its response vide No RAD2453 dated Nil stated that the appellant has withdrawn her application, however, the affidavit submitted by the appellant to the public body shows that she had withdrawn her case from Federal Ombudsman not from this Commission.
17. The Respondent in its response dated November 12, 2021 stated that “*Mst. Farkhanda Manzoor check her record and she could not demand copies of record.*”
18. The appellant in her rejoinder dated November 22, 2021 also raised this point and stated that record was shown to her during her visit to the office of the public body but copies were provided to her.
19. This Commission maintains as the requested information falls within the ambit of the public record so the appellant is eligible to have the certified copies of the requested information.
20. This Commission observes that the Respondent is continuously wilfully denying the Right of Access to Information as guaranteed in the Article 19A of the Constitution of Pakistan, and the Right of Access to Information Act 2017 by not implementing the earlier passed verdicts of this Commission in multiple orders.
21. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.
22. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

*“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.*

#### **D. Order**

23. Appeal is allowed. Chief Personnel Officer / Public Information Officer, Pakistan Railways is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
24. The Respondent is also directed to take immediate steps to proactively share through the web site 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 in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’. This template is available

under 'Information Desk' category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk).  
The compliance report be submitted to this commission within 30 days of the receipt of this Order.

25. Copies of this order be sent to Chief Personnel Officer / Public Information Officer, Pakistan Railways, Director (Admin), Ministry of Railways and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

May 27, 2022

This order consists of 5 (five) pages, each page has been read and signed