

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1308-09-2021

Malik Ummar Ali

Versus

Pakistan Railways

Date of Hearing: 17.11.2021

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Malik Ummar Ali, preferred his appeal before the Pakistan Commission on access to information, Islamabad. He alleged that the request for information has not been responded by the Pakistan Railways within the frame of time stipulated under the Right of Access to Information Act, 2017.
2. Through an application addressed to the Public Information Officer Pakistan Railways, Islamabad, the applicant has requested the provision of information and record. The detailed particulars of the requested information are as under:

"(1) یہ کہ ریلوے اسٹیشن سمبڑیاں سیالکوٹ کے مین اینسٹر ہونے والے راستے جو کہ تاج سینٹر کے ساتھ ہے راستے کی کل پیمائش کتنی ہے؟

(2) یہ کہ ریلوے اسٹیشن کے مین راستے جو کہ تاج سینٹر کے ساتھ ہے مین راستے میں سے کتنا راستہ ٹھیکہ پر دیا گیا ہے؟

(3) یہ کہ ریلوے اسٹیشن کے مین راستے جو کہ تاج سینٹر کے ساتھ ہے مین راستے میں سے جتنی جگہ ٹھیکہ پر دی گئی ہے اس کی پیمائش کہاں سے شروع ہوتی اور کہاں پر ختم ہوتی ہے؟ نقشہ کی کاپی مندرامہ کرنے کی استدعا ہے۔"

B. PROCEEDINGS

3. The notice of the Commission was not responded by the respondent public body therefore the appeal was fixed for hearing before the Commission on November 03, 2021 vide notice dated September, 29 2021. On 03-11-2021 Mr Munawar Hussain, AD/Legal represented the Public Body before the Commission during the course of hearing. He requested for a short adjournment for filing the reply therefore, the appeal was adjourned to 17-11-2021 on the

asking of the representative of public body. On 17-11-21 the representative of the public body did not turn up despite his undertaking before the Commission.

APPEAL NO. 1308-09-2021

C. COMMISSION'S VIEW.

4. While dealing with the matters related to information and record sought by the citizens under the Act 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 ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body despite the undertaking by the representative of 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.
5. The bare reading of the request depicts that the appellant has asked for the copy of complete minutes and agenda of the Departmental Promotion Committee meeting held on 06-11-2020 for the promotion of Non-Academic Employees BPS-17 and above to the next higher scale. The case of the appellant was deferred till the next departmental promotion committee meeting. The appellant being one of the contestants has sought the information invoking his right under the Right of Access to Information Act, 2017. The appellant reserves his preferential fundamental right to know the reasons for deferring his case. Since the matter has been finalized therefore is encompassed in the definition of public record as defined in the Act.
6. Transparency in the working of the government departments is the essence for the enactment of the Act of 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 practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism and inefficiency in the governance. Transparency is used as a means of holding public officials accountable and fighting corruption.
7. It is noticed that the respondent organization has not implemented the mandatory sections 5& 8 of the Act.

D. ORDER

8. The appeal is allowed. The Director Admin/Designated Officer, Ministry of Railways is directed to provide the appellant the requested Information

APPEAL NO. 1308-09-2021

forthwith, but in any case not later than seven (7) days of the receipt of this order

He is further directed to implement section 5 and 8 of the Act in letter and spirit under intimation to this commission latest by 31-12-2021.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 18.11.2021

Certified that this order consists of three (3) pages, each page has been read and signed.