



In the Pakistan Information Commission, Islamabad
Appeal No 1319-09/2021

Nadeem Tanoli

(Appellant)

Vs.

Deputy Commissioner, Islamabad

(Respondent)

ORDER

Date: July 18, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Nadeem Umer dated August 19, 2021, stating that he submitted information request dated July 25, 2021 under the Right of Access to Information Act 2017 to the Registrar, Cooperative Societies Department. 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:
 1. *“List of the departmental inquiries conducted against the official / officers of the Cooperative Societies Department (ICT) from 1st Jan 2015 to date, along with details of the complaint/allegation, name of accused officials and their designation.*
 2. *Provide the name and designation of each inquiry committee members.*
 3. *Certified copy of each inquiry report.*
 4. *Details about the implementation on the recommendation of each inquiry committee.*
 5. *List of the pending (on-going) inquiries that are initiated against the officers / officials of different department’s along with the date on which the inquiry was initiated.*
 6. *Whether it is a fact that Ministry of Interior have sent a letter to Deputy Commissioner Islamabad in 2018 regarding the alleged corruption by the then circle registrar, and later the circle registrar was removed from his post? If so, please provide copy of that letter.*
 7. *In April 2018 the Circle Registrar Mazhar Hussain was removed from the post of the Circle Registrar on allegation of fraud and corruption in a federal cooperative society and allotment of good position plots to near the dears. Please provide the copy of the inquiry report conducted to probe these allegations against Mazhar Hussain, if conducted.*
 - a. *If the inquiry is not concluded yet, then please provide the following information;*
 - i. *What is the current status of the inquiry?*
 - ii. *Did the inquiry committee record the statements of accused officials?*
 - iii. *Copy of the notification of the inquiry.*
 - iv. *What are the reasons of extreme delay in concluding the inquiry?*

- v. *If the inquiry is not finalized yet, the how an accused Mazhar Hussain is again posted as circle registrar? ”*

B. Proceedings

3. Through a notice dated September 24, 2021, sent to Deputy Commissioner, Islamabad the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. Through a letter vide No 6152 CR/ICT/B dated September 29, 2021 submitted its response which is as under:

“It is submitted that no inquiry is pending in this office since 2015 regarding charges of corruption against any office / official of this department. Moreover, the then Circle Registrar Mr. Muhammad Mazhar Ali (late) was transferred / posted in this office purely as an administrative setup of the ICT Administration, thus as a routine matter.”
5. Response submitted by the public body was shared with the appellant on October 06, 2021.
6. The appellant through an email dated November 02, 2021 submitted rejoinder to the response of the public body which is as under;

“The Deputy Commissioner was requested to provide the requested information while the information is provided by the Cooperative Registrar’s office. Moreover, the public body did not respond to information requested in Para-1 to Para-6, only provided information requested in Para # 07. You are requested to issue directions to the public body to provide me complete information.”
7. Response of the Appellant was shared with the public body on November 04, 2021, with directions to respond to the queries of the Appellant within 10 working days.
8. The Cooperative Societies Department, through a letter vide No 7355/CR/ICT/B dated November 26, 2021 submitted a response which is as under:

“You are requested to ask the complainant to approach this office for getting photocopies of the desired record which will be provided to him forthwith if available in this office.”
9. The Appeal was fixed for hearing on December 21, 2021 and both parties were informed through notices sent on December 01, 2021.
10. Through a notice dated February 02, 2022, the public body was directed to submit written arguments within 15 days, otherwise the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act, 2017.
11. The appeal was against fixed for hearing on June 17, 2022 to give another opportunity to address the queries of appellant and submit response accordingly.

C. Discussion and Commission’s View on Relevant Issues

12. The commission has to decide whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.

13. The information/documents requested by the Appellant in the instant appeal belongs to the Section 5 (i) of the Act.
14. Section 5(i) of the Act is as under:

“5(i) Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized.”
15. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.
16. The respondent was given multiple opportunities by fixing the appeal for hearing for three times, but no one appeared before the Commission during the hearing. The Commission expresses concerns over the non-serious behaviour of the Respondent, as despite multiple notices and hearings, the public body is reluctant to provide the requested information to the appellant.
17. Response submitted by the public body and through letter dated September 29, 2021 is incomplete and do not address all Paras of the appellant’s information request. The appellant in this rejoinder dated November 02, 2021 also raised concerns over the incomplete information.
18. The Cooperative Societies Department through a letter dated November 26, 2021 submitted in the instant appeal stated to ask the complainant to approached their office to get information. This Commission maintains that the appellant has already approached the public body through his information request for the desired information, the citizens cannot be forced to visit the office of the public body to get the copies of required documents. Hearing of the appeal was fixed multiple time to address if the public body has any query while addressing the information request of the appellant.
19. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
20. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
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. Deputy Commissioner, Islamabad is directed to ensure provision of the 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
25. Deputy Commissioner, Islamabad is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
26. Copies of this order be sent to Deputy Commissioner, Islamabad, Registrar, Cooperative Societies Department and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: July 18, 2022

This order consists of 4 (four) pages, each page has been read and signed.