

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1423-10-2021

Sanallah

Versus

Ministry of Defence

Date of Hearing: 26.01.2022

Fawad Malik: Information Commissioner

Present: Nemo for the respondent

A. APPEAL

1. Mr. Sanallah, Deputy Director, Survey of Pakistan, Quetta preferred an application to the Section Officer, D-34, Ministry of Defence, Rawalpindi stating therein that Honourable Islamabad High Court vide order dated 02.02.2021 forwarded his representation/ Petition No. 431/2021 to the Ministry of Defence for due consideration against his claim that in order to harm his reputation forgery is being done by the Management of Survey of Pakistan in Paras 109, 110 & 111 on the note sheet of file number I-A-231 page 36/ 52.
2. The Ministry of Defence intimated the applicant that his representation was considered in the Ministry and that no forgery was detected in this said record. The response is reproduced hereunder:

“The request of Mr. Sanallah, Deputy Director, Survey of Pakistan was considered in this Ministry in consultation with Survey of Pakistan. It has been revealed that no forgery was made in the said record.”

Mr. Sanallah, feeling aggrieved and dissatisfied with the report submitted by Ministry of Defence before the Honourable Islamabad High Court has requested the provision of ‘complete proceeding record of Consultation by the Ministry of Defence with the Survey of Pakistan’.

3. Feeling aggrieved for the non-provision of requested information, he preferred appeal dated 22.10.2021 before the Pakistan Commission on access to information.

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B. PROCEEDINGS

4. The Commission vide notice dated November 03, 2021 directed the respondent to provide reasons in 7 working days of the receipt of the notice as to why the requested information has not been provided to the appellant within ten working days as required under section 14 of Right of Access to Information Act 2017.

5. The notice was not responded; therefore the appeal was fixed for hearing on 29.12.2021, 5.1.2022 and finally on 26.1.2022 as final opportunity and both the parties were informed accordingly.

6. At the dates of hearings no one appeared to represent the respondent public body nor was the reply submitted.

C. COMMISSION'S VIEW

7. The appellant is serving as Deputy Director, Survey of Pakistan in the Ministry of Defence. In his representation/petition 431/2021 the Islamabad High Court has directed for probe into the allegation of forgery raised by the appellant against the management of Survey of Pakistan. The appellant apprehends that the alteration in record is intended to harm his reputation. He is feeling dissatisfied with the report submitted before the Islamabad High Court therefore has asked for the provision of the complete proceeding of the consultation by Ministry of Defense with its attached department, Survey of Pakistan in the matter.

8. 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. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defense. 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.

9. Since the appellant is claimant of the representation on which the probe into the alleged forgery was conducted therefore he reserves his preferential and legal right to access the information connected with the representation including the

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proceedings of Consultation by the Ministry of Defense with the Survey of Pakistan and the outcome of the inquiry for availing his legal remedies before the forum of competent jurisdiction. Article 19A of the Constitution of Islamic Republic of Pakistan 1973 read with the Right of Access to Information Act, 2017

envisages the citizens to have access to the public record held by the public bodies without any discrimination.

D. ORDER

10. The appeal is allowed. The designated Officer, Survey of Pakistan is directed to provide the appellant complete proceeding record of Consultation by the Ministry of Defense with the Survey of Pakistan in connection with the representation sent by the Islamabad High Court.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 7.2.2022

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