

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No 2185-08/2022

Beautiful Success
Vs.
Collectorate of Custom (ICT)

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Beautiful Success S/O Muhammad Aslam travelled abroad via Flight No. VS-379 dated 18-05-2022 at 830 hours from Islamabad International Airport, Islamabad. It is alleged that on the said date and time he was scanned at the International Departure Hall when his personal belongings were detained by the Assistant Collector Customs (Traffic). Consequent there to a show cause notice was served on him. In this context Mr. Beautiful Success requested the provision of footage / record of the search at International Departure Hall, but in vain.
2. Feeling aggrieved for the non provision of the requested footage / record he has filed appeal before Pakistan Commission on Access to Information, Islamabad, invoking the Right of Access to Information Act, 2017. Along with the appeal the appellant has appended a letter dated 02-08-2022 inscribed by the Collector, Pakistan Custom Service to the Chief Security Officer, Airport Security Force, Islamabad directing him the supply of CCTV footage pertaining to the passenger in seizure case no. 49/2022 dated 18-05-2022 and seizure case no. 54/2022 dated 11-06-2022. The text of the letter is reproduced as under:-

“Please refer to the Assistant Collector IIAP, Islamabad’s letter dated 16.07.2022 on the subject cited above.

2). The requisite footage /record (of Flight No. VS-379 dated 18.05.2022 at 830 hours in seizure case No. 49/2022) has not been provided till date. You are requested to provide the footage as it is required for adjudication of the case.

3). Please note that extension of time limitation under section 179(3) of the Customs Act, 1969, in the instant cases was granted which is going to expire on 25.09.2022, therefore, necessary action may be

Appeal No 2185-08/2022

taken, as this office may be constrained to decide the case as per available record.”

B. PROCEEDINGS

3. The notice of the Commission was responded by the Deputy Director (Legal), Airport Security Force vide letter dated Oct 03, 2022 as under:

“It is submitted that the subject criminal matter, being under adjudication before the Customs Court, therefore provisioning of CCTV footage can't be provided, under the provision of Section 16(1)(b) of Right of Access to Information Act,2017. However, requisite information may be asked from Pakistan Customs through the Special Court.”

C. COMMISSION'S VIEW

4. The appellant, an overseas Pakistani, has asked for the provision of footage / record of scanning at the International Departure Hall when his personal belongings were detained by the Assistant Collector Customs (Traffic) for Flight No. VS-379 dated 18-05-2022 at 830 hours from Islamabad International Airport, Islamabad.
5. The representative of the organization has apprised the Commission that the passenger was carrying foreign currency beyond the permissible limit therefore the same was confiscated and now the matter is pending adjudication before the Custom Court, hence the request cannot be acceded to under section 16(1)(b) of the Act.
6. Be that as it may, the provision of evidence is the legal right of every individual facing the criminal proceedings before any court or tribunal. Admittedly, the appellant is subject of the criminal proceedings pending adjudication before the Special Court of Pakistan Custom where the footage / camera recording would be considered as evidence against the offender. Article 10A of the Constitution provide the citizens the right of fair trial therefore to meet the ends of justice all the evidence that can be used against the offender should be provided to the offender before the proceedings commences.
7. Section 5(1) of the Act envisages the camera footage having bearing on a crime, public record for access to the citizens.

D. ORDER

8. The appeal is allowed. The Deputy Director (Legal), Airport Security Force, Islamabad is directed to provide the appellant the footage of his personal search at the Islamabad International Airport for Flight No. VS-379 dated 18-05-2022 at 830 hours, forthwith, but in any case not later than five days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on October 25, 2022
This order consists of 03 (three) pages, each page has been read and signed.