

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

**APPEAL NO. 251-01-2020**

Mukhtar Ahmad Ali

Vs

Islamabad College for Boys, F-11/1, Islamabad

Announced on: 17.8.2020

Fawad Malik : Information Commissioner.

**A. APPEAL:**

1. The brief facts of the appeal are that Mr. Mukhtar Ahmad Ali filed an information request to the Principal of the Islamabad Model College for Boys, F-11/1, Islamabad invoking his fundamental right under Article 19.A of the Constitution of Pakistan and statutory right under the Right of Access to Information Act 2017, vide letter No. CPDI/Inforeq/RTI/2019/231 dated 29.11.2019. It was specifically mentioned therein that the Principal being the Principal Officer within the meanings of section 9 of the Act may decide it of his own or otherwise may be transferred to the designated officer, if so appointed. He has asked for the provision of the information within the stipulated period provided in the section 14 of the Act.
2. The respondent instead providing the requested information/record has advised the applicant to approach the Federal Directorate of Education for the purpose. Feeling aggrieved the appellant has preferred his appeal before the Pakistan Information Commission reiterating that the college is a public body in its own right as (a) it has its own independent organisational structure, (b) it gets separate budget that is approved by the parliament in its name and (c) one of its officer has drawing and disbursing authority in relation to the accounts. Moreover, the college is a public body under section 2(ix) of the Act and the impugned letter by the principal is inappropriate and unjustified.
3. The detail of the requested information is as below;
  - 1) *Total number of classes in your college as well as total number of students (including class and gender wise break-down);*
  - 2) *Total number of teaching staff including subject, gender and grade/ scale wise break-down.*
  - 3) *Total number of non-teaching staff including positions held and gender and grade /scale wise break-down;*

- 4) *Copies of the detailed budget documents for the FY 2018-19 and FY 2019-20 including head-wise budget allocations;*
- 5) *Copies of expenditure statements against the government's allocated budget for the FY2018-19 and first quarter of the FY 2019-20;*
- 6) *Detailed information about the college fund that is maintained through fees, contributions by students or other means including;*
  - *Total amount of funds available with the college on November 01, 2019;*
  - *Amounts under various heads (head-wise) that students of various classes are expected to contribute every month;*
  - *Copies of the rules, regulations or guidelines that allow and regulate collection of fee or contributions under various heads from students and others as well as expenditures out of college fund; and*
  - *Copies of latest audit report of college fund i.e. if such an audit is carried out.*

**B. PROCEEDINGS:**

4. The Commission vide notice dated 15.1.2020 directed the respondent to provide reasons in writing within seven days as to why the requested information has not been provided to the applicant as under section 14 of the Act each public body is bound to respond to a request as soon as possible and in any case within ten days of the receipt of the request.
5. The principal of the public body vide letter dated 29.1.2020 in response to the notice informed the Commission that the request for information along with the complaint of the appellant has been forwarded to the Federal Directorate of Education as standard practise and as soon as the guidelines from the Directorate are received the information will be provided.
6. The Assistant Director (C&O) (Communication & outreach wing), Federal Directorate of Education vide letter dated 20.2.2020 asked the Commission to clear for what purpose the requested information is being sought for. This letter was taken with grave concern by the Commission and the concerned officer was warned for his ignorance regarding the Act and that the Commission reserves the power to impose a fine under section 20(f) of the Act, on the official, if he acts wilfully to obstruct any activity which is required to be undertaken by the Act, including preventing the disclosure of information to an applicant.
7. The appeal was fixed for hearing before the Commission on 12.8.2020 and both the appellant as well as the public body were informed accordingly vide notices dated 20.7.2020.
8. The Principal of the public body through letter dated 4.8.2020 informed the Commission that the relevant SOP regarding handling of information requests has been

issued by the Federal Directorate of Education, hence the concerned person may obtain the requested information from the Area Education Officer urban-II.

9. At the time of hearing no one appeared before the Commission to represent the public body which is sufficient to prove non serious attitude of the officials of the public body towards the Commission.

**C. COMMISSION'S VIEW:**

10. The section 9 of the Act requires each public body, within thirty days of the commencement of the Act, to notify the designated officer. Where no designated officer has been notified or is not available, the principal officer of the public body shall be considered as the designated officer. The Principal in the absence of specifically appointed designated officer is the designated officer. His direction to the applicant to approach the Federal Directorate for the desired information was uncalled for because the college in itself is a public body having its own independent organizational structure. It has its own budget approved by the parliament and one of the officers holds the drawing and disbursing authority. The principal was thus required to share the requested information with the applicant within ten days of the receipt of the application instead of rolling the applicant from pillar to post.
11. The referring of matter by the Principal to the Directorate seeking guidelines without mentioning the time limit is error on the part of the Principal although it was specifically mentioned on the notice dated 15.1.2020. It amounts to throwing the responsibility on the other's shoulders. The matter so referred for the guidance or permission cannot be dumped for an indefinite period nor the appeal can be kept pending beyond sixty days as required in the Act. It is the responsibility of the designated officer or in his absence the principal officer to make arrangement for the delivery of the requested information within the specified time provided in the Act. The time limit for responding the request, sharing of the information and disposal of appeal, provided in the Act has special significance and has to be followed in letter and spirit.
12. The letter by the Assistant Director (C&O) interrogating the Commission to explain for what purpose the Commission needs the desired information is self-explanatory and speaks volumes regarding the official of his ignorance of the Act. It is evident from the said letter that it has been written without going through the Act. Section 11(5) of the Act clearly mentions that in no case the applicant is required to provide reasons for the request. Seemingly sort of methods are used by the officials to delay the matter but the Commission is not toothless and holds the power to impose fine under section 20(f) of the Act on the official who acts wilfully to obstruct the activity, including the preventing or delaying the disclosure of the information.
13. The Principal has again erred on his part, in the letter dated 4.8.2020 asking the applicant to collect the requested information from the Area Education Officer urban-II. It is not obligatory for the applicant to present his person for collecting the requested information, if he otherwise chooses the option.

14. The bare reading of the requested information reveals that it is category of the information which ought to have been duly published including the uploading over the internet, by the principal officer of each public body within six months of the commencement of the Act, as required under section 5 of the Act.
15. Transparency is the wisdom behind the enactment of the RTI Act 2017. The reporting in the newspaper DAWN on 13.8.2020 has specifically highlighted the reforms initiative introduced to improve quality of education in the 423 schools and colleges in Islamabad under the control of the Federal Directorate of Education because the quality of education at these institutions has declined significantly in the last 20 years or so. This is sufficient for the citizens to raise the eyebrows and to ask for the information in the public interest invoking their fundamental right guaranteed in article 19.A of the Constitution of Pakistan 1973.
16. The conduct of the Principal and Assistant Director (C&O) has caused the undue delay in the delivery of the information, due to their ignorance regarding the law on the subject. Both are responsible and liable under section 20(f) of the Act, but this time taking a lenient view they are warned to remain careful in future.

**D. ORDER:**

17. The appeal is allowed. The principal, Islamabad Model College for Boys is directed to provide the appellant, certified copies of the requested information forthwith but in any case not later than five days of the receipt of this order.

The Principal is further directed to upload the category of information mentioned in section 5 of the Act on the website of the public body.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

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