

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 463-8-2020

Abdul Samad Sarla
Vs
National Bank of Pakistan

Date: 5.10.2020

Fawad Malik: Information Commissioner

A. APPEAL.

1. The brief facts of the appeal are that Mr. Abdul Samad Sarla through his application dated 21.11.2019, addressed to the President, National Bank of Pakistan sought certain record and information under the Right of Access to Information Act 2017 read with Article 19.A of the Constitution of Pakistan. The application remained unheeded therefore the appellant feeling aggrieved is asking for access to the record through appeal before the Pakistan Information Commission.
2. The text of the requested information is reproduced as under;

B. PROCEEDINGS.

3. The Commission vide letter dated 6.8.2020, directed the President, National Bank of Pakistan, Head Office, Karachi, to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted hence the appeal was fixed for hearing before the Commission on 30.9.2020 and both the appellant as well as the respondent were informed accordingly vide notices dated 25.8.2020. No one represented the respondent public body at the time of hearing of appeal before the Commission.

C. COMMISSION'S VIEW.

5. The appellant in his request has asked for the information and the detail of record pertaining to the incumbents who were provided jobs in the National Bank of Pakistan during the period mentioned in the application. The detail of the officers

and the employs, indicating their duties and functions and their respective remunerations, perks and privileges are the category of record that ought to have been disclosed proactively by the Principal Officer of each public body within six months of the commencement of the Act. Seemingly the appellant want to uncover the detail of the three thousand people who were inducted in the Bank ranging the period in between 1986 to 1995 to evaluate whether the principal of transparency was followed or violated. The citizens under the Act are provided the right of access to the information and public record with the belief to familiarize the culture of merit and transparency in the governance and of reducing the corruption and inefficiency in the government functioning. This fundamental and statutory right cannot be denied, delayed or withheld at the whims of the public officials.

6. 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 waived. The reply is not submitted and the hearing before the Commission was not represented by the public body. From the conduct of the respondent 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 exparte after going through the file in light of the Act.
7. The respondent public body has not notified the designated officer within thirty days of the commencement of the Act. In such eventuality the Principal Officer of the public body is considered as the designated officer within the meanings of the Act 2017.
8. The irresponsible behaviour of the respondent amounts to wilful and deliberate obstruction in the activity of the Commission and implementation of the Act thereby causing preventing and delaying the disclosure of information, warranting imposition of fine under section 20(f) of the Act. The Commission reserve to impose the fine on the responsible but taking a lenient view the President, National Bank of Pakistan is warned to be careful in future.

D. ORDER.

9. The appeal is allowed. The President, National Bank of Pakistan is directed to provide the appellant all the requested information mentioned in his application forthwith but not later than seven days of the receipt of this order. The President, National Bank of Pakistan is further directed to take measures for the proactive disclosure of all the information and record mentioned in section 5 and notify the designated officer under section 9 of the Act.

Mohammad Azam

Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 6.10.2020

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