

Pakistan Information Commission

Government of Pakistan

1st Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Phone: 051-9261014

Website: www.rti.gov.pk

Email: appeals@rti.gov.pk

  @PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 814-01/21

Nadeem Umer

(Appellant)

Vs.

National Highways Authority

Through its Public Information Officer

(Respondent)

ORDER

Date: June 03, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on December 30, 2020 to the Commission, stating that he had submitted information requests to the Chairman/Secretary, National Highway Authority on December 15, 2020 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:
 1. List of departmental enquiries conducted from January 01, 2020 to date, along with the details of complaint/allegation, name of accused officials and their designation.
 2. Provide the name and designation of each enquiry members.
 3. Certified copies of each enquiry report.
 4. Details about the implementation on the recommendation of each enquiry committee.
 5. List of the pending (on-going) enquiries that are initiated against the officers/officials of excise department along with date on which the enquiry was initiated, list of the each enquiry committee members from January 2010 to date.
 6. Details about the time period given in the rules/regulation to conclude any departmental enquiry.
 7. What action has been taken against the officers/officials/members of the enquiry committee who are failed to conclude the enquiries within the stipulated time period given in the rules/regulations/laws.
 8. Copy of the relevant rules/regulations regarding the departmental enquiries.”

B. Proceedings

3. Through a notice dated January 7, 2021, sent to PIO, National Highways Authority, 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. On April 19, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the

public body to “submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice. Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that If the written arguments are not submitted within 15 working days, “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”.

C. Discussion and Commission’s View on Relevant Issues

5. All federal public bodies are required to publish through their web sites finalised enquiry reports according to Section 5 (1) (i) of the Act. As such, National Highways Authority is required to share with the Appellant, and, also publish on its web site, all finalised enquiry reports as requested by the Appellant in para 2 of this Order.
6. While requesting information about pending enquiries in item number 5 of the para 2, the Appellant has written Excise Department which should be treated as human error as the Appellant prima facie seems to be requesting information about the Respondent, National Highway Authority.
7. This commission take strong exception to the fact that the Respondent, National Highway Authority, not only failed to respond to the information request of the citizen, but it also failed to respond to the duly sent notices of this commission. If directions of this commission in Section D of this Order are not followed within the stipulated time-frame, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

8. Appeal is allowed. The Public Information Officer, National Highways Authority is directed to provide 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.
9. The Respondent is 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.
10. Copies of this order be sent to Public Information Officer, National Highways Authority and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: June 03, 2021

This order consists of 2 (two) pages, each page has been read and signed.