

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. e-127-07-2021

Muhammad Hussaan Ahmad

Versus

Metropolitan Corporation Islamabad

Hearing Date: 08.09.2021

Fawad Malik: Information Commissioner

APPEAL

1. Mr. Muhammad Hussaan Ahmad, filed e appeal before the Pakistan Information Commission invoking the Right of Access to Information Act, 2017.
2. Earlier, he requested following information and documents from the office of the Director, Sports Culture and Tourism, Metropolitan Corporation Islamabad through application dated 24.05.2021.

Request for information:

- *Please inform how many cricket grounds your department has in Islamabad, please provide the name and the address of those grounds.*
- *Please confirm if you have issued any lease or license to any of cricket ground, if yes please confirm to whom and when.*

- *Please confirm if you have any written rule/policy/guidance for granting usage of the cricket ground in Islamabad.*
- *Please confirm the said policy was made, if applicable.*
- *Please confirm how long your office takes to decide an application regarding lease of a cricket ground.*

Request for documents:

- *Record of the written document about the above said policy.*
- *Record of any meetings, correspondence and other steps taken for formulating policy rule for the permission to use cricket ground in Islamabad.*

PROCEEDINGS

3. The Chief Officer, Metropolitan Corporation, Islamabad vide letter dated 13.7.2021, was directed 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 notice of the Commission was not responded therefore the appeal was fixed for hearing before the Commission on 08.09.2021 and both the appellant as well as the respondent were informed accordingly vide notices dated 10.08.2021.
5. No one appeared before the Commission to represent the respondent public body while the appellant was present in person and reiterated the contents of the application.

COMMISSION'S VIEW

6. While dealing with the matters related to information and record sought by the citizens under the RTI Act of 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. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing to offer 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.

7. The appellant has sought information and record vis-à-vis the cricket grounds in Islamabad, their status and rule/policy/guidance for the usage. This information is in the public interest of the inhabitants of the city. Section 5 of the Act mandates the sort of information and record to be uploaded on the website and affixed on the notice board of the organization for the general access to the public at large. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism and inefficiency in the governance.
8. Right of access to the record and information in the matters of public importance is constitutional and statutory right of the citizens provided under the Constitution of Islamic Republic of Pakistan and the Right of Access to Information Act, 2017 respectively which cannot be denied or delayed at the whims of the government hierarchy.

ORDER

9. The appeal is allowed. The Chief Officer, Metropolitan Corporation, Islamabad is directed to provide the appellant all the requested information detailed in para 2 of this order, forthwith but not later than seven days of the receipt of this order.

He is further directed to comply the mandatory provisions of Sections 5 & 9 of the Act in letter and spirit, within 30 days of the receiving of this order, under intimation to the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 15.09.2021

Certified that this order consists of four (4) pages, each page has been read and signed.