

**Pakistan Information Commission  
Information Service Academy  
Zero Point, Islamabad**



**Appeal No 096-08/19**

**Shehzad Ahmed Khan (Appellant)**

**Vs.**

**Pakistan Environment Protection Agency Islamabad, (Respondent)**

### **ORDER**

Date: December 16, 2019

**Mohammad Azam:** Chief Information commissioner

#### **A. The Appeal**

1. The Appellant filed an appeal with the commission on August 21, 2019 in which he stated that he had requested information from Pakistan Environment Protection Agency under the Right of Access to Information Act 2017.

2. The information sought by the Complainant, through application dated 17/07/19, is as under:

- 1- "Details of the inspections conducted by the Monitoring team of the EPA during last two years, along with the Name of building, premises etc, inspection date.*
- 2- Provide the report/observation of each inspection.*
- 3- How many samples are collected during the last three years? Please share the sample details and premises from where the samples were collected.*
- 4- How many sample are failed and what action has been taken on them, please share the details of each sample, along with the details of the action taken against them.*
- 5- Did these sample are tested in EPA own lab or sent to any private lab. If tests are conducted from any other lab, then please share the details of the Laboratory from where these samples are tested along with the fee paid to the lab. (If any).*
- 6- List of the monitoring team members, their qualification and designation".*

#### **B. Proceedings**

3. Through a notice dated 26/08/2019 the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.

4. Through a second notice dated 07/10/19 the Respondent was again directed to provide reasons in writing within 3 working days of the receipt of the notice as to why the requested information has not been provided to the Appellant.

5. No response was received from the respondent within the 3 working days and the hearing date was fixed for 14/11/19 through the hearing notice sent on 24/10/2019 and both parties were informed accordingly.

6. Mr. Mohammad Rashid Cheema, Law Officer appeared on behalf of the Respondent before the commission at the time of hearing on November 14, 2019. He requested for more time to provide the requisite information to the appellant which was allowed till 03-12-2019.

7. In response to the hearing notice, the Respondent through a letter F.No 6(12)/2019/RAIA-DD (EE/TT) dated 08/11/2019 replied as under.

*“i. Please refer to your Ref No: Appeal – 096-08/19 dated 7<sup>th</sup> October 2019 on the subject noted above.*

*ii. It is to inform that the information required by the applicant was not specific. Therefore, the appellant may be directed to specify the required information or visit the office of Deputy Director (Lab/NEQS), Pak-EPA during office hours for the said purpose*

*iii. This issues with the approval of Director General, Pak-EP”.*

*Sd: (Sadia Munawar) Dy. Director(R&I)*

7. In another letter titled “Reply to the Complaint” dated 8<sup>th</sup> November, 2019, the respondent, Ms. Sadia Munawar, Dy. Director R&I /Public Information Officer stated:

*“i. Please refer to your ref. No: Appeal-96-08/19 to your hearing notice dated 21-10-2019.*

*ii. The appellant submitted an application an application for the provision of information under the Right of Access to Information Act, 2017 without fulfilling the legal formalities including non-payment of prescribed fee.*

*iii- That the appellant submitted an application on 30-09-2019 to this Agency for the provision of information (Annex-I) and further filed an appeal before the Pakistan Information Commission prior to lapse of specific period time of 10 working days as lay down in the section 14 of Right of Access to Information Act, 2017”.*

*iv. This Agency has already responded to the appellant and appellant also had meeting with Director General Pak-EPA on 31-10-2019 and all issues were discussed in detail and also replied, the copy of the said reply is attached at (Annex-II).*

*v. That this Agency can not disclose the data/record of private documents either on express or implied condition that information contained in any such document as provided under clause (h) of section 7 of the Right of Access to Information Act, 2017”.*

8. In response to the above mentioned letters of the respondent the commission issued a hearing notice on November 14, 2019 which is reproduced as under:

*“This is with reference to your reply dated 08 November, 2019 to the appeal mentioned above. You are directed to note the following:*

1. *An applicant is not required to deposit fee for filing request for information according to the Schedule of Costs notified by the commission under Section 27 (b) of the Right to Access of Information Act 2017. Take note that the above cited appeal is fixed for regular hearing before the Pakistan Information Commission on December 3, 2019 at 11.30 AM at the above mentioned address.*

*Not: The case record in the above cited appeal, if any, be produced before the Information Commission at the time of hearing”.*

9. However no one appeared on behalf of the respondent on December 3, 2019. Mr. Nadeem Umer was present on behalf of the appellant.

### **C. Discussion and Commission’s View on Relevant Issues**

10. All the requested information by the appellant falls within Section 5 (e)(f) (h) and Under 6 (b) of the Right of Access to Information Act 2017. On the first hearing date on November 14, 2019 the respondent agreed to provide the requested information to the appellant and asked for more time which was allowed by the commission and the respondent was asked to provide the requested information by December 3, 2019. However the respondent neither provided the requested information nor attended the hearing as per undertaking on the previous date

11. The respondent in their letter has misstated that the appellant has submitted the application on 30-09-2019 and further filed the appeal before the Pakistan Information Commission prior to lapse of specific time period of 10 working days. Contrary to the claim of the respondent the appellant has filed the request which has been received by the respondent on July 22, 2019. The appellant filed the appeal to the Pakistan Information Commission on August 21, 2019 which fulfilled the legal requirement for filing the appeal.

12. The commission is of the view that the Respondent failed to implement Section 11 (1) of the Right of Access to Information Act 2017 as requested information has not been provided to the applicant. The commission notes with grave concern that why did Respondent has asked the appellant to personally visit their office to specify the required information as it is against the spirit of the act. The respondent has not provided the requested information to the citizen within a maximum of 20 working days of the receipt of the information request and thus failed to implement Section 14 (1) and (2) of the Right of Access to Information Act 2017.

**D. Order**

14. The appeal is allowed. The Respondent is directed to provide the requested information to the Applicant, including information about total number of enquiries, at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, 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 by 16/01/2020.

15. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
December 12, 2019

This order consists of 4 (four) pages; each page has been read and signed.