



**Appeal No 071/06/19**

**Basharat Masih (Appellant)**

**Vs.**

**Pakistan Railways (Respondent)**

Date: December 03, 2019

**ORDER**

**Zahid Abdullah:** Information commissioner

**A. The Complaint**

1. The Appellant filed an appeal with the commission on April 20, 2019 in which he stated that he had requested information from Pakistan Railways under the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 31/01/19, is as under:

“1. Total number of posts (year-wise break up) advertised, till date, by reorganization since May 2009 {From BPS 8 and above};  
2. Total number of posts advertised, till date, by the organization on reserved seats for minorities since issuance of quota notification in May 2009 from BPS 8 and above)  
3. Total number of applications received on reserved seats in jobs (BPS 8 and above) since issuance of quota notification in May 2009.  
4. Total number of candidates recruited on reserved seats for religious minorities in jobs (BPS 8 and above) in accordance with quota notification since its issuance in May 2009”.

**B. Proceedings**

3. Through a notice dated 19/06/2019 the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through a second notice dated 19/07/19 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. The hearing date was fixed for 20/08/19 through the hearing notice sent on 26/07/2019 and both parties were informed accordingly.

6. The Respondent did not appear before the commission at the time of hearing.

7. Another notice was sent to the Respondent on 15/10/19 after telephonic conversation with Chief Personnel Officer designated as Public Information Officer, Pakistan Railways Office, Lahore.

8. Through a letter dated 01/11/19, Mr. Zahoor Ahmed Butt, Assistant Personnel Officer-III for Chief Personnel Officer, shared with the Appellant the following:

“In response to your application dated 30.01.2019 received under the Information Commissioner, Pakistan Information Commission, Information Services Academy, Zero Point Islamabad. Letter No. Appeal No-071-06/19 dated 15.10.2019, it is requested to please attend the office of Chief Personnel Officer, Pakistan Railways Headquarter Office, Lahore on any working day so that the information being called may be provided accordingly”.

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

9. The commission takes strong exception to the inordinate delay caused by the public body in providing the information requested by the Appellant on January 30, 2019. Apart from the earlier notices of the commission, even when a notice was sent to the Respondent on 15/10/19 after telephonic conversation of Chief Information Commissioner with Chief Personnel Officer designated as Public Information Officer, Pakistan Railways Office, Lahore, it took the Respondent 15 days to send a letter to the Appellant requesting him to visit office of the Chief Personnel to collect the requested information, in itself a clear violation of the Right of Access to Information Act 2017.

10. The Right of Access to Information Act 2017 extends to the whole of Pakistan and any of the citizen of Pakistan living anywhere in the country can seek information from any federal public body. There is no provision in the Right of Access to Information Act 2017 which allows Public Information Officer, (PIO) to ask an appellant to appear in person to collect the requested information.

11. The commission notes with grave concern that the PIO failed to interpret the Right of Access to Information 2017 as “to advance its purposes as set out in the preamble”, required under Section 3 (2) and “promote the right of access to information”, “, Section 3 (2) (a) and facilitate and encourage promptly the disclosure of the information”, Section 3 (2) (b). Instead of facilitating the Appellant by asking the preferred mode of receiving the requested information i.e. via

email or through snail mail, the Respondent requested the Appellant to appear in person to collect the requested information which is against the provisions of the law.

12. The commission is of the view that the delay of over 10 months in responding to the information request is caused by non-serious attitude of the Respondent in ensuring the implementation of the various provisions of the Right of Access to Information Act, including the acknowledgement of the receipt of the request for information as required by Section 13 (1) and responding to the requested information within specific time-frame as mentioned in Section 14 (1) and (2) of the Act.

13. The commission notes with grave concern that a designated Public Information Officer has caused inordinate delay in providing the requested information and as such has hampered the exercise of the right to information of a citizen. It is reasonable to expect from a Public Information Officer, designated under Section 9 of the Right of Access to Information Act 2017 to respond to an information request because a PIO under 10 (1) is “responsible for ensuring that requests are dealt with promoting full compliance by the public body of its obligation under this Act”. In any case, ***Ignorantia juris non excusat is well established legal principle*** and the commission will not tolerate any further delay in providing the requested information to the citizen.

#### **D. Order**

14. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant 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 06/01/2020.

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

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
December 03, 2019

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

