



Appeal No 192-12/19

Muhammad Waseem Elahi (Appellant)

Vs.

Prime Minister Office (Respondent)

ORDER

January 29, 2020

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 28/11/19 in which he stated that he had requested information from the Prime Minister Office under the Right of Access to Information Act, 2017.

2. The information sought by the Complainant, through application dated 22/10/19 is as under:

“Subject:- Query regarding Directive issued Ref. # 4016 / M / SPM / 2019 dated 01st October 2019

Dear Sir,

Kindly refer to your subject Directive issued to protect the interest of the oppressed public, good governance, efficient service delivery and to warn the lethargic officials. This Directive was need of hour as majority of the government functionaries are in doldrums or reluctant to perform in good faith and proficiently. I read subject Directive which is comprehensively informing, educating and warning the laid-back officials. High applause for this initiative. In last, I would like to know that if unfortunately even this Directive also fails to jolt these sluggish functionaries, then should I approach your office against that arrogant official who even doesn't care the desires of honourable Prime Minister of Pakistan and Directive issued by the Secretary to Prime Minister? Your guidance is urgently awaited.”

B. Proceedings

3. Through a notice dated 01/12/19 the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.

(2)

4. Through a letter dated 17/12/19, the Respondent shared its response with the Appellant with copy to the commission which is as under:

“I am directed to refer to your request dated 22-10-2019 and 15-11-2019 received in this Office regarding the subject cited above and to state that your requests is prima facie. not covered under the Right of Access to Information Act, 2017. However, your suggestions are well noted and will be dealt under relevant rules/procedures”.

C. Discussion and Commission’s View on Relevant Issues

5. The questions for the consideration of the commission are as under:

(a) Does the communication of the Appellant with the Respondent through letter dated 22/10/19 constitute request for information?

(b) Did the Respondent follow the process laid down in the Right of Access to Information Act 2017 in responding to the application of the Appellant?

6. The commission is of the view that the communication of the Appellant with the Respondent through letter dated 22/10/19 does not constitute a request for information as defined under Section 11 (3)¹ of the Right of Access to Information Act 2017.

7. This commission is of the view that queries of general nature, as in the instant appeal, do not constitute request for access to “information based on record” as defined under Section 2 (v) of the Right of Access to Information Act 2017.

8. The commission has observed that many citizens do not know how to file a proper request for information which is also evident from the instant appeal. Realizing this, the commission has developed a document titled ‘7 C’s of Effective Request for Information²’ and made it available on its web site so that citizens can learn how to effectively exercise their right of access to information held by public bodies.

9. The commission notes with satisfaction that the Respondent has not only designated by post Deputy Secretary, (Admin) as Public Information Officer, (PIO), as required under Section 9³

¹Any written request that identifies the information or record sought in sufficient detail, to enable the public body to locate it and which includes a complete address and contact details for delivery of the information or record shall be treated as request.

²<http://rti.gov.pk/7-cs-of-an-effective-request-for-information/>

³ Designated Official-- Each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent;

Provided that where no designated official has been notified or he is absent or not available, principal officer of the public body shall be the designated official:

Provided further that in case of non- government organization, it may designate a senior officer as per its organizational structure.

(3)

but has also responded to the application of the Appellant in accordance with Section 14⁴ of the Right of Access to Information Act 2017.

D. Order

10. The appeal is dismissed as the communication of the Appellant with the Respondent through letter dated 22/10/19 does not constitute an information request under Section 11 (3) of the Right of the Access to Information Act 2017. Furthermore, 'queries' of general nature cannot be equated with 'information' which is defined as "information based on record" in Section 2 (b) of the Right of Access to Information Act 2017.

11. 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:
January 29, 2020

This order consists of 3 (three) pages; each page has been read and signed.

⁴Time-limit of responding--- (1) Subject to the provisions of this Act, a public body shall be required to respond to a request as soon as possible and in any case within ten working days of receipt of the request

(2) The periods stipulated in sub-section (1) may be extended by maximum of further ten working days, where is necessary when the request requires a search through a large number of records or records located in different offices or consultation is required with third parties or other public bodies.

(3) Information needed to protect life and liberty of any individual shall be provided within three working days