

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO 136-10/2019

Nadeem Umer

(Appellant)

Vs

Pakistan Environmental Protection Agency

(Respondent)

Date: 11-2-2020

Fawad Malik: Information Commissioner

A. APPEAL:

1. This appeal has been filed before the commission by Mr. Nadeem Umer (appellant) on 12-10-2019 against Pakistan Environmental Agency (Respondent) for not providing the information sought under the Right of Access to Information Act 2017.

2. The information requested by the appellant from the respondent vide his application dated 30-9-2019 is detailed as under;

- “1. List of the departmental inquiries conducted from 1st Jan 2017 to August 01, 2019, along with the details complaint/allegation, name of accused officials and their designation.*
- 2. Provide the name and designation of each inquiry committee members.*
- 3. Certified copy of each inquiry committee report.*
- 4. Detail about the implementation on the recommendation of each inquiry committee.”*

B. PROCEEDINGS:

3. The commission after taking the cognizance of the appeal issued notice to the respondent on 24-10-2019 with the direction to provide reasons in seven working days as to why the requested information has not been shared with the appellant as required under section 14 of the Right of Access to Information Act 2017. Each federal public body is bound to respond to a notice as soon as possible and in any case within ten working days of the receipt of the request.

4. The Public Information Officer of the public body vide letter dated 8-11-2019 with reference to the notice responded as follows;

“It is informed that the information required by the appellant is not specific in nature. However, the appellant may kindly 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.”

5. The appellant in connection with the above referred letter of the respondent public body filed rejoinder dated 26-12-2019 as follows;

“It is humbly stated my questions was clear and specific, instead of providing me the requested information the public body is asking to visit their office which is against the law.”

6. The appeal was fixed for hearing on 2-1-2020 and both the parties were informed through notices dated 3-12-2019. No one appeared to represent the public body therefore the appeal was again fixed for hearing on 29-1-2020 and the appellant as well as the Public Information Officer of the respondent public body was informed accordingly vide notices dated 16-1-2020, but again no body appeared.

C. COMMISSION’S VIEW:

- a) The appellant has requested for the provision of the list of departmental inquiries, detail of complaints, names of the accused officials and their designation, name and designation of inquiry committee members, inquiry committee report and the details about the implementation on recommendations of the inquiry committee. The information sought by the appellant are specific, clear and unambiguous in its plain reading and understanding to a prudent mind.
- b) The category of information based on inquiry or investigation reports and other reports that have been finalized are open for disclosure as per section 5(1)(i) of the Act rather the same should have been disclosed proactively ensuring the publication and computerization including uploading over the internet and online availability.
- c) The appellant has provided his cell number, e mail and the postal address in his application for contact. If there were any controversy it could have been clarified by the respondent. The designated official is supposed to function with full responsibility for ensuring that requests are dealt with promoting full compliance by the public body instead using the delaying tactics. Mere writing a letter does not shift the burden of responsibility of the designated officer from his shoulders. The section 11(3) reads as follows;

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

- d) Calling the appellant to visit the office of the public body in connection with the information is not appreciated by the commission for the reasons firstly that it would add to problem in the cases where the applicant belongs to some remote or distant area and secondly the Act does not provide any provision that the presence of the applicant is necessary for seeking or collecting the information from the of the public body. Section 11(2) of the Act requires a request in writing and in any manner in which the public body has the facilities to receive it, including in person, by mail, fax, online, or e-mail. The applicant if so desires can visit the office of the public body of his own accord and will, keeping in view his convenience.
- e) It is a matter of concern for the commission that the public body has ignored the hearing notices. The respondent is responsible for causing delay in the matter for no plausible reason instead of providing the requested information at the earliest as required in the Act.
- f) Right to information is fundamental right guaranteed to the citizens under Article 19A of the constitution of Pakistan and international law which cannot be denied unless restricted under the Right of Access to Information Act 2017.

D. ORDER:

7. The appeal is allowed. The respondent is directed to provide certified copies of the requested information to the appellant within ten working days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner.

Fawad Malik
Information Commissioner.

Zahid Abdullah
Information Commissioner.

Announced on:
February 11, 2020

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