

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 133-10/2019

Mohammad Waseem Ellahi

(Appellant)

Vs

Ministry of Religious Affairs and Interfaith Harmony (Respondent)

Date: 18.02.2020

Fawad Malik: Information Commissioner

A. APPEAL:

1. Mohammad Waseem Ellahi (Appellant) has filed his appeal before the commission complaining therein that his request under Right to Information sent to Ministry of Religious Affairs and Interfaith Harmony (Respondent) for the provision of information has not been responded.

2. The information/reply of the following queries were requested in the application dated 09.08.2019;

- “1. How many competitions Ministry organize/announce each year?*
- 2. What is the amount allocated for said purposes each year?*
- 3. What is the prescribed criteria to participate in each competition?*
- 4. What is the prescribed criteria for jury in each competition?*
- 5. Either any measures have been taken/conceived by the Ministry to stop/curb the “Pseudo Writers/Intellectuals/Poets/Translators” grabbing benefits in shape of prize/s while contesting these competitions on behest of original writer/s?”*

B. PROCEEDINGS:

3. The respondent was served with a notice dated 15.10.2019 with the direction to provide reasons within seven working days as to why the requested information/record has not been provided to the applicant as required under section 14 of the Act, as each public body is bound to respond as soon as possible and in any case within ten working days of the receipt of the request.

4. The notice was not responded by the respondent hence the appeal was fixed for hearing before the Commission on 12.02.2020 and both the parties were informed accordingly vide notice of hearing dated 27.01.2020.

C. COMMISSION'S VIEW:

5. The Joint Secretary, Admin and Finance Wing is officially designated as Public Information Officer by the Ministry of Religious Affairs and Interfaith Harmony. The Commission served the designated officer with the notice dated 15.10.2019 with the direction 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 soon as possible and in any case within ten working days of the receipt of the request.

6. The notice was not responded nor the written reply was submitted hence the appeal was fixed for hearing before the Commission on 12.02.2020, and both the designated Public Information Officer of the public body as well as the appellant were informed accordingly vide notices dated 27.1.2020.

7. The respondent has failed to adopt the procedure provided in section 13 and violated the time frame provided in section 14 of the Act, after receiving the application for request. The notices of the Commission were ignored and no one appeared before the Commission at the time of hearing to represent the public body. This amounts to willful and deliberate obstruction in preventing and delaying the disclosure of the information liable to imposition of fine under section 20(f) of the Act.

8. A public body is under obligation to respond to a request as soon as possible and in any case within ten working days of the receipt of the request. This period can further be extended for another ten days where the requested information requires a search through large number of record or the record is located in different offices but cannot be deferred for an indefinite period. The Act has made it mandatory for the public bodies to encounter the prescribed limit of time provided on the Act for responding to request.

9. Either the respondent does not want to share the requested information or he has nothing to represent in his defense. Denying the information would amount to defeating the purpose of the enactment of the Act of aiming a transparent government.

10. Every citizen has got his fundamental and statutory right to have access to information as guaranteed and assured by the Constitution of Pakistan and the Right of Access to

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Information Act 2017 respectively. This right cannot be denied, withheld or delayed from disclosure provided it falls in the category of public record as defined in the Act.

D. ORDER

11. For the reasons mentioned above the appeal is allowed. The Joint Secretary, Admin and Finance Wing/designated Officer is directed to provide appellant the requested information forthwith under intimation to the Commission as early as possible but not later than 04.03.2020.

The designated officer is responsible for willful and deliberate obstruction thereby causing delay in the disclosure of information liable to imposition of fine u/s 20(f) of the Act. The Secretary, Ministry of Religious Affairs and Interfaith Harmony is directed to take measures to deduct the salary of five days of the Public Information Officer as a fine imposed by this Commission and submit compliance report by 10.04.2020.

Copies of this order be sent to Public Information Officer and the Secretary, Ministry of Religious and Interfaith Harmony.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
February 18, 2020

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