

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO 188-11/2019

Mohammad Waseem Ellahi (Appellant)

Vs

State Bank of Pakistan (Respondent)

Date : 11.2.2020

Fawad Malik :Information Commissioner

**A. APPEAL:**

1. The instant appeal has been filed by Mohammad Waseem Ellahi (appellant) on 19-11-2019 before the commission complaining against the Team Leader, Prime Minister Youth Business Loan Scheme, State Bank of Pakistan, Karachi (Respondent) for not providing the requested information.

2. The information requested in the application submitted to the public body on 4-11-2019 reads as follows:

“Refer to PMYBL Scheme Quarterly Review as of June 30, 2019 placed on website (<http://www.sbp.org.pk/departments/ihfd/PMYBL/2019/PMYBL-Jun-2019.pdf>).”

*My queries are as under:-*

- “1. How much amount disbursed by all banks to date under PMYBL scheme?
2. When first disbursement was made under this scheme?
3. When last disbursement was made under this scheme?
4. How much banks earned in shape of mark-up separately?
5. What is the default ratio?
6. How many borrowers are unable to pay installments?
7. How much amount should be recovered to date if there is no late payment by borrowers?
8. How much is yet to be recovered (Principal & mark up) separately?
9. What are SBP’s guidelines for recovery of these loans disbursed under PMYBL?
10. What are SBP’s write-off guidelines of those loans disbursed under PMYBL?”
11. Detailed replies along with documentary evidences to prove the authenticity of replies required.”

**B. PROCEEDINGS:**

3. The commission issued notice dated 28-11-2019 to the respondent with the direction to provide reasons within seven working days as to why the requested information has not been provided to the appellant within the period of ten working days as required under section 14 of the Right of Access to Information Act 2017.

4. The respondent vide letter dated 05-12-2019 provided the appellant quarterly review report as of June 30, 2019 of PMYBL Scheme, with a copy to the commission.

5. The appellant through his rejoinder dated 12-12-2019 mentioned his dissatisfaction over the record shared with him by the public body as under;

*“It is to assert that the reply received is neither according to the queries raised nor complete.”*

6. Mr. Raza Mohsin Qizilbash Director, designated official addressed the rejoinder by filing the reply .The same is reproduced as under:

*“a) At the outset please note that law does not require a public body to justify display of any information on its website unless it violates any law.*

*b) The information requested by you has already been substantially provided to you by our letter dated 26-11-2019 and a public body is not required to give information in any particular form.*

*You may see the following links for further details:*

<http://www.sbp.org.pk/OrderexKASB.pdf><http://www.sbp.org.pk/press/2014/KASB-17-Nov-2014.pdf><http://www.sbp.org.pk/press/2015/KASB-30-Apr-2015.pdf><http://www.sbp.org.pk/press/2014/KASB-14-Nov-14.pdf><http://www.sbp.org.pk/press/2018/pr-KASB-04-Apr-18.pdf>

*As per section 13(2)(ii) a public body need not provide information which is already available in a generally accessible form.*

*c) As already conveyed to you , copies of the court record are public documents and may be*

*d) obtained in accordance with prescribed procedure.”*

7. The appeal was fixed for hearing on 12-2-2020 vide notice dated 21-1-2020.

**C. ISSUES**

8. Out of the pleadings of the appellant and the public body, following issues are framed for decision:

- Whether law requires the public body to justify display of any information posted on the official website unless it violates the law?
- Whether if the requested information is already available on the website, the public body is not bound to provide information in a particular form?
- Whether the law permit the citizens to raise the queries from the public bodies?

**D. CONCLUSION OF THE COMMISSION:**

- a) The information and record displayed on the official website of the public body as required under section 5 of the Act does not need any justification and it will be treated as correct and conclusive for all purposes therefore the record or information downloaded from the official website does not require attestation, however the information or record provided by the public body in accordance with 13(2)(a) of the Act shall be accompanied by a certification to the effect that the information is correct or is the true copy of the original record. The certificate shall be dated and signed by the designated official, in accordance with section 13(3) of the Act.
- b) Where the information requested, by an applicant is already published, including uploading over the internet and computerization making it available online, by the public body in compliance of the sections 5 and 8 of the Act, in that eventuality the public body shall only indicate to the applicant the place from where the information can be found in compliance of section 13(2)(b)(ii) of the Act. The applicant in such case cannot demand information in any particular form.
- c) The Right of Access to Information Act 2017 has defined the information as information based on record. The record has been defined as public record enlisted in section 6 of the Act. The queries based on presumptions does not fall within the definition of information or public record under the Act. It is worth mentioning at this junction that the applicant in the instant appeal has instead asking for information or record from the respondent has sought replies along with documentary evidences to his queries. This sort of query or investigation is not permissible. The Act only allows the citizens access to the public record and after securing the record they can avail the remedy from the concerned forum or quarter.

**E      ORDER:**

9.      The information provided by the respondent was already available on the website links in a generally accessible form therefore does not call for any interference by the commission. Appeal is disposed of.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
February 11, 2020

This order consist of 4 (four) pages, each page has been read and signed