

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

APPEAL NO. 350-3-2020

Muhammad Sagheer  
Vs  
Matrooka Wakf Amlak, Sialkot

Date: 12.10.2020

Fawad Malik: Information Commissioner

**A. APPEAL.**

1. The brief facts of the appeal are that Mr. Muhammad Sagheer filed his application dated 20.2.2020 before the Deputy Administrator, Matrooka Wakf Amlak, Sialkot invoking the right of a citizen under the Right of Access to the Information Act 2017 read with Article 19.A of the Constitution of Pakistan 1973, requesting the provision of certified copy of the report and record on his complaint dated 13.3.2018. The detail of the information sought by the applicant in his application is reproduced as under;

1. *Provide me the certified copy of the report.*
2. *Provide me the certified copy of the proofs the defendant provided.*
3. *All the other documents which have been produced during the proceedings.*

2. Being aggrieved of the response/denial of providing complete information from the public body the appellant filed his appeal before the Pakistan Information Commission on 9.3.2020, as following;

*“When I asked for the complete information as asked for in my application (attached) in the first place, they (PIO) denied for providing the complete information on the phone and when I asked to reply in written form they cut off the phone. Hence this appeal is filed. A strict compliance is requested please”.*

**B. PROCEEDINGS.**

3. The Deputy Director, Matruka Wakf Amlak, Sialkot vide letter dated 13.3.2020, was directed 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 early as possible and in any case not later than ten working days of the receipt of the request.

4. In the wake of the observance of the Standard Operating Procedures issued by the Government of Pakistan for the pandemic Corona Virus (Covid 19) and to minimize risk, the personal appearance before the Commission was condoned therefore the respondent vide notice dated 20.7.2020 was directed to submit the written reply and arguments in the Commission's office.
5. In response the public body through letter dated 7.8.2020 has submitted the following reply;

*“It is submitted that the applicant intends to be provided some copies of the documents which are not related to this office/Department. As all other particulars which relate to this office, will be provided for the applicant in accordance with Rules/ Policy please.”*

6. A copy of the response was shared with the appellant vide letter dated 11.8.2020. The appellant in return has filed the rejoinder. The relevant part of the rejoinder is reproduced as under;

*“.....All the other documents which have been produced during the proceedings”. Don't you think it encompasses all the documents contained in the file? Yes it is surely means all the documents from the start of the proceedings to the end of proceedings and Deputy Administrator is malafidely trying to confuse you with documents related to this office or not related to this office. When proceedings are carried out then documents created during due proceedings, become the record of that office so it is out of question whether documents are related or not related to this office, documents are surely related to that office as the parties presented their documents to prove their point of view.....”*

7. The appeal was fixed for hearing before the Commission on 7.10.2020 and both the appellant and the respondent were informed accordingly vide notices dated 25.8.2020.

#### C. COMMISSION'S VIEW.

8. At the time of hearing neither Deputy Director nor anyone else appeared before the Commission to represent the public body for arguments therefore the Commission is left with no option except to decide the appeal ex parte in the light of the contents of appeal, the reply of the public body and the Act 2017.
9. The appellant in his application has sought certified copies of the report and the documents produced by the opponent side during the probe and inquiry on his complaint, from the office of Deputy Administrator, Matrooka Wakf Amlak. The public body in its reply has not denied the custody of the desired record in the file not related to respondent's office/department, however is willing to share the record

related to the office. Be that as it may, but the question arises that the complaint was filed by the appellant in the office of the respondent public body wherein both the appellant and the defendant therein, would have filed their respective documents of different departments in support of their plea and version, whereupon the report on the complaint is formulated. These were the documents/evidence which was considered to reach a conclusion in the complaint and culminating the report/decision. For the reasons the Commission is of the considered view that all the documents in the file, for and against, that were produced by either side during probe and considered for making an opinion in deciding the complaint are part of the final report and are considered as public record in the manner the noting on the file and minutes of the meetings after the final decision, under the constructive interpretation of section 7(a) & (b) of the Act 2017.

10. The appellant is complainant and has requested the certified copies of the report and other record that is part of the file invoking his right to information provided to the citizens under the Right of Access to Information Act 2017 read with Article 19.A of the Constitution of Pakistan 1973. This statutory and constitutional right is further fortified when the citizen desires the report of his own complaint. Even otherwise provision of report is privileged right of the complainant for availing his remedy. The requested information cannot be withheld or denied to the appellant at the whims of the officials.
11. Reading the section 5 of the Act reveals that the reports that have been finalized is the category of record that ought to have been disclosed proactively through publication and computerization including uploading over the internet within six months of the commencement of the Act, by the principal officer of each public body.
12. Each public body is required to notify one or more designated officer within one month of the commencement of the Act. This mandatory provision is also ignored by the respondent public body.

#### D. ORDER.

13. The appeal is allowed. The Deputy Director, Matruka Wakf Amlak, Sialkot is directed to provide the appellant all the requested information mentioned in his application forthwith but not later than seven days of the receipt of this order. He is further directed to take measures for the proactive disclosure of all the information and record mentioned in section 5 and notify the designated officer under section 9 of the Act.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 12.10.2020

Certified that this order consists of three pages, each page has been read and signed.