

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

**APPEAL NO. 559-09-2020**  
**Public Interest Law Associates of Pakistan**  
**Vs**  
**Law and Justice Commission of Pakistan**

Date: 18.11.2020

Fawad Malik: Information Commissioner

**A. APPEAL.**

1. Public Interest Law Associates of Pakistan, Karachi (PILAP) through Pervez Said, CEO, filed an application dated 17.8.2020 to the Secretary, National Judicial (Policy Making) Committee (NJPMC) under the Right of Access to Information Act 2017 for the provision of the following information:-
  - i. *“What mechanisms have been put in place by the National Judicial (Policy Making) Committee to ensure that there is no miscarriage of justice in disposal of cases that are brought before the model courts?”*
  - ii. *What monitoring processes have been adopted by the NJPMC to ensure that the swift disposal of cases by the model courts does not compromise the quality of justice dispensed?*
  - iii. *What are the circumstances that led to the creation of model courts, including the total number of cases, and their break-up in terms of civil and criminal matters, pending before the Civil and District Courts throughout the country and the average time for disposal of the same on an annual basis?*
  - iv. *What are the mechanisms for dealing with decisions of the model courts that go for appeal before the High Courts? Are the appeals dealt with as expeditiously as they are before the model courts?*
  - v. *What measures are being taken by the NJPMC to replicate the model courts system into the regular court system for the sake of judicial disposal of cases on a wider scale?”*
2. The appellant has filed the appeal dated 8.9.2020, under section 17 of the Right of Access to Information Act 2017, before the Pakistan Information Commission

alleging therein that he has not received the requested information within the stipulated frame of period.

**B. PROCEEDINGS:**

3. The Secretary, National Judicial (Policy Making) Commission, Law and Justice Commission of Pakistan vide letter dated 16.9.2020, 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. The Deputy Secretary (Admin), Law and Justice Commission of Pakistan, vide letter 24.09.2020 responded to the notice of the Commission as under:-
  2. *"I am directed to state that the concept of establishment of Model Courts was considered and approved by the National Judicial (Policy Making) Committee (NJPMC) in its meeting held in March 2019. After notification of Model Courts by the High Courts, an independent directorate was established to monitor the working/performance of Model Courts in the Federal Judicial Academy.*
  3. *The complainant vide application dated August 17, 2020 requested for provision of information exclusively falling under the domain of directorate of Model Courts. Accordingly, he was asked to approach the forum to have requisite information. However, instead he has approached the Pakistan Information Commission complaining about non provision of information under the Right of Access to Information Act 2017.*
  4. *I am further directed to invite your kind attention towards Section 12 of Right of Access to Information Act, 2017 which provides that where a public body does not held information or record, the applicant shall be informed accordingly within ten working days of the receipt of the request."*
5. The response of the public body was shared with the appellant vide letter dated 29.09.2020. The appellant is not satisfied with the response of the public body and filed rejoinder for the following reasons:-
  1. *"That under section 4 of the National Judicial (Policy Making) Committee Ordinance, 2002, the committee has been empowered to "coordinate and harmonize judicial policy within the court system, and in coordination with the (Law and Justice) Commission, ensure its implementation.*

2. *That in addition to the above mandate of the Committee, its functions under the 2002 Ordinance include “Improving the capacity and performance of the administration of justice (section 4 (a)).*
3. *That admittedly, “the concept of establishment of Model Courts was considered and approved by the National Judicial (Policy Making) Committee (NJPMC)”.*
4. *That in view of the above provision of law and the admitted position of the Commission, PILAP is not satisfied with the response to its application under the Right of Access to Information Act, 2017 and under the exercise of its Fundamental Right under Article 19-A of the Constitution.*
5. *That the right to information is a Fundamental Right guaranteed by the Constitution of Pakistan under Article 19-A provides that “every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.”*
6. *That the information requested by PILAP in its RTI application relates to the Fundamental Rights to a fair trial and due process provided for under the Constitution, and is therefore a matter of public importance.*
7. *That information requested of the Committee in the RTI application dated 17<sup>th</sup> August, 2020 is declared to be part of the public record under section 6 (a) of the Right of Access to Information Act, 2017 as it is an inquiry into the policy and guidelines proposed by a public body.*
8. *That, as far as questions for the Model Courts Monitoring Cell are concerned, it is requested that the Commission direct PILAP to the specific office from where the information may be found, as required by section 13(1) (b) (ii) of the 2017 Act. In this regard the Commission must provide us with the complete name and address of the office that will provide us with the specific information sought.*
9. *That notwithstanding the questions referred to in paragraph 8 above, PILAP requests the following information from the Commission.”*
6. Keeping in view the divergent pleading by both the parties the appeal was fixed for hearing before the Commission on 04.11.2020 and both the were informed accordingly vide notices dated 21.10.2020. On 4.11.2020 Mr. Raja Faisal Iftikhar, Deputy Secretary appeared on behalf of the public body and requested for some time to submit written reply, the appeal was was adjourned for 18.11.2020. On the said date Mr. Raja Faisal Iftikhar, Deputy Secretary, Law and Justice Commission submitted the written reply and Para wise comments requesting therein for the dismissal of the appeal.

**C. COMMISSION'S VIEW:**

7. The appellant has desired the detail concerning mechanism, monitoring to ensure swift disposal of cases etc. in the Model Courts established in the country. The respondent in its reply dated 24.9.2020 has apprised the Commission that the appellant's application dated 17.8.2020 was responded timely and he was informed that the requested information exclusively comes under the domain of directorate of Model Courts, an independent directorate established to monitor the working/performance of said Courts in the Federal Judicial Academy. The appellant instead has approached this Commission without disclosing the real facts by concealing the response of the public body. The Commission is of the view that the public body has performed the responsibility on its part mentioned in section 12 of the Act.
8. The contents of the appeal do not disclose the responding of the public body. The appellant in his rejoinder has not denied the stance of the public body rather has requested the address of the specific office that will provide the requested information.

**D. ORDER:**

9. The appeal is disposed of accordingly.

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 23.11.2020  
Certified that this order consists of 4(four) pages, each page has been read and signed.