

**Pakistan Information Commission  
Government of Pakistan**

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**In The Pakistan Information Commission, Islamabad**

**Appeal No 633-09/20**

**Nadeem Umer**

(Appellant)

Vs.

**Deputy Commissioner - Islamabad**

(Respondent)

**Order**

**Date:** January 05, 2021

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated September 21, 2020, to the Commission, stating that he had submitted an information request to the Deputy Commission, Islamabad Capital Territory (ICT) on September 02, 2020 under the Right of Access to Information Act 2017 but did not received any response from the Deputy Commissioner's office.
2. The information sought by the Appellant is as follows:
  1. *“How much amount of money and equipment's (Budget) for Covid 19 did your office get from Federal Govt, and NDMA and Donor agencies?”*
  2. *Penny by Penny the amount of money is spent in this regard and the details of expenses in different heads/for different purposes.*
  3. *Provide the expanses of fuel consumption for his daily travelling to control the Virus.*
  4. *Directive circulated by government for Covid-19 Expenditure during Pandemic*
  5. *Provide Cash book, bank statement for a period under audit all paid vouchers Record of expenditure related to food ration items Stock taking disbursement and distribution during Covid-19 Pandemic*
  6. *Expenditure under head support the family of coronavirus confirmed individual place in isolation by Government.*
  7. *Disaster Management expenditure record.*

8. *Details of fine/penalty imposed during Covid 19 Pandemic along with bank statement.*”

## **B. Proceedings**

3. Through a notice dated September 25, 2020 sent to the Deputy Commission Islamabad, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent did not respond to the notice and the hearing date was fixed for November 24, 2020 through the hearing notice sent on November 17, 2020 and both parties were informed accordingly.
5. No one appeared before the commission on behalf of Respondent.

## **C. Discussion and Commission’s View on Relevant Issues**

6. The questions for the consideration of the commission are as under:
  - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
  - (b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
  - (c) Has the Respondent ensured the implementation of the proactive disclosure of information as required under Section 5 of the Act?
  - (d) Has the Respondent has designated Public Information Officer as required under Section 9 of the Act?
7. The requested information belongs to the category of information which public bodies are legally bound to proactively disclose, through their web sites, under Section 5 (g) of the Act which are as under:

*“(g) detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget;”*
8. The requested information is also public information under Section 6 (b) of the Act which are as under:

*“(b) transactions involving acquisition and disposal of property and expenditure undertaken by a public body in the performance of its duties and function;”*
9. The requested information should not only be made available to the Appellant as a constitutional right of access to information in matters of public importance under Article 19-A of the Constitution of Islamic Republic of Pakistan but also as a statutory

right under different provisions of the Right of Access to Information Act 2017. The Preamble of the Act states:

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.

10. The Respondent is legally obligated to proactively disclose through its web site the requested information under following sub-sections of Section 5 (g) of the Right of Access to Information Act 2017.
11. In the instant appeal, the Deputy Commissioner of Islamabad, deemed to be Public Information Officer, (PIO), as required under Section 9 of the Act when a PIO is not designated by the head of a public body, failed to perform following obligations under the Act.

*I. Failure to provide “written acknowledgement in response to” a request for information filed by citizen as required by Section 10 (1) of the Act.*

*II. Failure to follow procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act which is as under:*

*(2) The designated official shall process the request and by notice in writing inform the applicant that---*

*a) A request has been acknowledged and the applicant is entitled to receive the information or record, subject to the payment of the prescribed fee. On payment of the fee the designated official shall provide the requested record, or*

*b) The request has been rejected-*

*i. On the basis that it does not comply with the provisions of this act and the rules made there under but only after requisite assistance has been offered to the applicant as mentioned in sub-section (2) of section 10;*

*ii. On the basis that the information is already available in a generally accessible form in which case the notice shall indicate to the applicant the place from where the information may be found;*

*iii. On the basis that it is incorrect, because it relates to information which is substantially the same information that has already has been provided to the same applicant during last six months; or*

iv. *In whole or in part, on the basis that the information is exempt subject to section 7 or section 16, in which the notice shall specify the exact exception, relied upon and specifying details regarding the right of the applicant to appeal against this decision”*

12. The Respondent also failed to follow timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
13. The PIO not only delayed and denied access to the requested information, the PIO also failed to comply with the duly sent notices of the commission.
14. This commission is of the view that the wilful delay or denial of the requested information causes undue cost to citizens and the commission. Citizens have to approach this commission for the exercise of their fundamental constitutional right of access to information which involves cost both in terms of money and time.
15. Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information so that they do not have to pay the undue cost in terms of time and money in exercising their right of access to information because of the dereliction of the duty of a public official.
16. The commission has no option but to fulfil its legal obligation and offset this trend of raising cost in terms of time and money for citizens, the commission and the superior judiciary.
17. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

#### **D. Order**

18. The appeal is allowed. The Deputy Commissioner Islamabad is directed to provide the requested information to the Appellant.
19. The information mentioned in para 18 be provided, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
20. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification to this effect on its web site as required under Section 5 (1) (b) of the Act, put name, designation and contact details of the PIO on its web sites as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
21. The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under

Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission by 05/02/2021.

22. Copies of this order be sent to Chief Commissioner – Islamabad, Deputy Commissioner, Islamabad and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

January 06, 2020

This order consists of 5 (five) pages, each page has been read and signed.