

**Pakistan Information Commission
Government of Pakistan**

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In the Pakistan Information Commission, Islamabad

Appeal No 455-08/20

Saima Tasneem, through Eastern Law Firm

(Appellant)

VS

Pakistan Procurement Regulatory Authority (PEPRA) Board Members (Respondent)

Order

Date: January 13, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. That the Appellant filed identical requests for information to PPRA Board Members- Secretary, Finance Division, Secretary, Ministry of Housing and Works, Secretary, Defence Production Division, Secretary, Ministry of Energy, Secretary, Ministry of Industries and Production, Secretary, Ministry of Communication, Secretary, Water Resources- and Secretary, Cabinet Division, PPRA controlling body under the Right of Access to Information Act 2017 on July 03, 2020 seeking following information:

- “
- (a) *Attested copy of PPRA letter dated 17.04.2019.*
 - (b) *Attested copy of working paper agenda item No.I.*
 - (c) *Attested copy of letter No. 15/CM/2019-N dated 04.04.2019*
 - (d) *Attested copy of Summary of Cabinet Division on PPRA Rules.*
 - (e) *Attested copy of Cabinet Division letter dated 15.04.2019.*
 - (f) *Attested copy of Minutes of 37th PPRA BOD's Meeting held on 01.04.2019.”*

2. The Appellant filed appeal with this commission when the requested information was not provided by the Respondents.

B. Proceedings

3. The commission issued notices to all the Respondents on August 07, 2020, seeking response as to why the requested information was not provided to the Appellant.

4. When the notices of the commission were not adhered to, hearing notices were issued and the Respondent were directed to appear before the commission on September 15, 2020.

5. The hearing was attended by Shahadat Ali Khan, Section Officer, Ministry of Industries and Production, Saima Tasneem, Sardar Abdul Wahab Advocate, Khalid, advocate, Hafiz Munawar Iqbal Advocate. During the hearing, the representative of the Ministry of Industries and Production argued that the requested information is held by PPRA however, they have copies of the requested information. The copies of the requested documents available with Shahadat Ali Khan, Section Officer, the Ministry of Industries and Production and shown to the members of the commission were different than those available with the Appellant obtained from court. The Appellant also submitted before the commission that she had been unlawfully terminated from service because powers of termination were not delegated to MD, PPRA as is evident from the copies circulated to Board Members and just shown to the members of the commission by one of the PPRA Board Member.
6. Another hearing was held on 15/09/2020 which was attended by Syed Hassan Muhammad, JS, (RA) Cabinet Division, Feroze Khan, Deputy Secretary, (RA) Cabinet Division, M. Kamran, Section Officer, Ministry of Housing and Works, Zafaryab Khan, Deputy Secretary, Ministry of Energy, (Power Division), Advocate Sardar Abdul Wahab, Advocate Munawar Iqbal, Saima Tasneem. They mentioned that PPRA was custodian of the records and that they had received copies of these records. Syed Hassan Muhammad, JS, (RA III) Cabinet Division concurred with the testimony of the SO, Shahadat Ali Khan in the previous hearing that the originally circulated copies available with the Cabinet Division were different then those with the Appellant, obtained through the court. Advocates representing the Appellant argued that the commission should ask PPRA to produce records before this commission to determine tampering, if any of the documents available with PPRA and those circulated to its board members.
7. In exercise of the powers vested in this commission, Managing Director, PPRA was directed to appear before the Commission in the hearing on October 01, 2020 through his representative or Public Information Officer designated under Section 9 of the Right of Access to Information Act 2017 with file along with all documents pertaining to 37th PPRA Board's meeting held on 01.04.2019.
8. MD, PPRA attended the hearing and on the directions of the commission submitted the requested documents on October 05, 2020.
9. The documents were shared with the Appellant on October 06, 2020 and the Appellant submitted the following rejoinder on October 13, 2020:

“ Reference Information Commission letter dated 06 October, 2020 in Appeal No.455-08/20. Whereof the appellant was communicated the response/information of Public Procurement Regulatory Authority (PPRA).

2. That PPRA through letter dated 5th October, 2020, signed by Mr. Farrukh Bashir. DG (HR) has submitted the following documents:

- i. Copy of letter dated 17h April, 2019*
- ii. Working Paper agenda No.1, which was without signature of MD (PPRA) (Mr. Fida Muhammad Wazir)*
- iii. Copy of Minutes of 37h BOD's meeting held on April, 2019.*

3. That the DG (HR) (Mr. Farrukh Bashir) wilfully with malafide intention to obstruct the access to information, which is the subject of instant application/ appeal with mind of preventing its disclosures under the Access to Information Act 2017 by submitting the working paper along with 37" minutes of meeting of PPRA Board held on 11 April, 2019

4. The letter dated 17 April 2019 as the DG (HR) submitted before this Honorable forum was pertaining to the Subject 38 PPRA BORAD OF MEMBERS MEETING with the following description.

"Dear Secretary / Member:

The 38" PPRA Board of Members meeting is schedule to be held on 18 April 2010 al 02:00p.m in the Committee Room # 2 of Ministry of Finance, 2nd Floor Q-Block, Pak Secretariat Islamabad

2. *Kindly make it convenient to attend the meeting on the aforementioned venue, date and time. Agenda and working paper is enclosed for ready reference*

with best regards..... "

5. *That as it is evident from the perusal of Para 2 of the said letter there was an agenda and a working paper were enclosed with the said letter. The agenda item was pertaining to Meeting of the Federal Cabinet and working paper of Agenda item No.1. In the said agenda items undermentioned documents were enclosed:*

(I) *Minutes of the 37th Meeting of PPRA Board held on 19 April, 2019 on Annex-I*

(II) *Cabinet letter dated 4th April, 2019 on Annex-II.*

(III) *The summary and the proposed rules on Annex III.*

(III) *Cabinet letter dated 15th April, 2019 on Annex-IV.*

6. *That it is pertinent to mention here that during the course of pending of said appeal the Cabinet Division submitted through letter dated 10th September, 2020 with the signatures of Section Officer (RA-III) (Muhammad Usman Munawar). attested copies of Cabinet Division letter No. 15/CM2019-N dated 04.04.2019 and letter No.5/25/205-RAPPPRA) dated 15.04.2019. Hence, letter No. 15/CM/2019-N dated 04.04.2019 indicates that in agenda at Serial No.3 there was Addition of Rules regarding Un-solicited Proposal PPRA Rules, 2004. On the other hand letter No.5/25/205-RA (PPRA) dated 15.04.2019 was also indicating the subject "INSERTION OF PROVISION OF "UNSOLICITED PROPOSAL IN PPRA RULES, 2004".*

7. *It is pertinent to mention here that in 37 Minutes of meeting there was an Other Agenda in original minutes of meeting which was circulated among the member of PPRA Board with the submission of Introduction of Unsolicited Proposal through amendment in Public Procurement Rules, 2004. Whereof in Para 9. MD PPRA presented the Agenda item and apprised that several amendments in the existing Public Procurement Rules, 2004 have been recommended to the Federal Government by the PPRA Board including unsolicited proposal.*

8. That as in said minutes of the meeting there was decision of the PPRA Board "The Board in Principal agreed to recommend to the Federal Government to incorporate the improved version of "unsolicited proposal" keeping in view the national international practices and experience feedback, as an additional rule in the Public Procurement Rules, 2004 along with earlier recommended amendments"

9. That as above decision indicates the amendment in the form of additional rules in Public Procurement Rules 2004 hence the same was required under the law to be presented, the documents

(I) Minutes of the Meeting of PPRA Board held on 1" April, 2019 on Annex-I

(II) Cabinet letter dated 4 April, 2019 on Annex-II.

(III) The summary and the proposed rules on Annex-III.

(IV) Cabinet letter dated 15th April, 2019 on Annex-IV

before the Cabinet Division so that on the desire of Prime Minister the subject case shall be placed before the next meeting of the Cabinet Committee of Legislative Cases (CCLC) subject to completion of all codal formalities."

10. That in above narrated situation during the proceeding of subject appeal before this Hon'ble forum, Representative from Cabinet Division Mr. Hassan Mehmood, Joint Secretary (RA-DH) and Mr. Feroze Khan, Deputy Secretary (RA-III) appeared on 15.09.2020 and admitted and endorsed to the effect that the original minutes of meetings are in the file of Cabinet Division in working papers Subject MEETING OF THE FEDERAL CABINET as at Annex-I Page 1180, 1181, 1182, 1183 of the Cabinet Division record file.

Whereof there is no other agenda (b) Para 11 and 12.

11. That on the other hand the representative from Ministry of Industries & Production (PPRA Board Member) Mr. Shahadat Khan, Section Officer, appeared and presented the original record of 37 BOD's Meeting before this Honorable forum whereof this bench considered and observed that in the record of original record of PPRA's 37h BOD's Meeting where there is no other agenda (b) Para 11 and 12. He also submitted letter dated 28.08.2020 where he confirmed that

"The information providing entity may ensure that the record concerning in the instant case duly furnished by the Secretary, Industries and Production, at various Board meeting of PPRA, is not tampered with."

12. That this Hon'ble forum was pleased to pass interim order dated 21" September, 2020 by directing the MD (PPRA) to appear in person along with all documents pertaining to 37 PPRA BOD's meeting held on 1" April, 2019. On 1 October, 2020. That in compliance of order dated 21.09.2020 MD (PPRA) appeared before the forum and promised to submit the original record as was directed by commission but unfortunately the tempered record

along with wrong documents was submitted by DG (HR) PPRA with the intention of preventing its disclosure under the Access to Information Act 2017 act.

13. In view of above following requests are submitted in the light of Article 22(2) of Information Act for kind directions please,

a) Direct the Cabinet Division, Ministry of Industries and Productions and all others Members of PPRA Board to provide the attested copies of PPRA'S 37th BOD's Meeting minutes along with working papers/agenda items considered in the meeting held on 01.04.2019

b) To take a severe action against Mr. Farrukh Bashir, Director General (HR) under section 22 of Information act 2017 to meet the end of justice.

Any other favourable relief may also graciously be granted to the appellant against the defendant as may be deemed just and proper in the facts and circumstances of the case.”

10. Through an Interim Order dated 20/10/2020, PPRA Board members were directed to appear before the Commission on 29/10/2020, through their representative or Public Information Officers designated under Section 9 of the Right of Access to Information Act 2017 with their respective files along with all documents pertaining to 37th PPRA Board's meeting held on 01.04.2019 circulated by PPRA.
11. The hearing was attended by the Appellant and her counsel Hafiz Munawar Iqbal, Mr. Irfan Rafiq, Shahadat Ali Khan, Section Officer, Ministry of Industries and Production, Haroo ur Rashid, Section Officer, Ministry of Water Resources, Tariq Zaman, counsel Hafiz Arfat for MD PPRA, M. Khurshid, Deputy Director, Legal, PPRA, Khalid Khurshid, SGS, Ministry of Communication.
12. Haroon ur Rashid provided unattested as circulated by PPRA and was directed to provide certified copy by 03/11/2020.
13. Mr. Khurshid requested for more time to do the needful.
14. Mr. Shahadat Ali Khan assured the commission that certified copies will be provided by next hearing.
15. Mr. Tariq Zaman submitted Power of Attorney on behalf of MD PPRA and sought more time.
16. The commission issued notice to MD PPRA, Secretary, Communication and Secretary, Ministry of Industries and Production seeking implementation status of the Right of Access to Information Act 2017.
17. The next hearing was fixed for 05/11/2020.
18. The hearing dated 05/11/2020 was attended by Haroon ur Rashid ,Section Officer, Ministry of Water Resources, Hafiz Arfrat Ahmed Advocate, Counsel for PPRA, Feroze Khan, Deputy Secretary (RA) Cabinet Division, Hafiz Usman Munawar, Section Officer (RA-III) Cabinet Division, M. Waheed, Section Officer, Ministry of Communication, Akbar Azam Rajar, Deputy Secretary (E&D) Ministry of Energy (Power Division), M. Khurshid Deputy Director (Legal) PPRA, Farukh Bashir, Director General (HR) PPRA, and Shahadat Ali, Section Officer Ministry of Industries and Production.

19. Haroon Ur Rashid, Section Officer, Ministry of Water Resources, provided the copies of 37th PPRA Board meetings' minutes with a covering note.
20. M. Waheed, Section Officer, Ministry of Communication, requested for more time to provide the requested information.
21. The Council for PPRA submitted the response in writing which is as under:

“The captioned appeal is liable to be dismissed inter alia on the following grounds:

- 1. That the appellant before this Honourable Commission was not the Applicant before the public body (Cabinet Division). Section 17 of the 2017 Act requires that only an 'applicant' can file appeal against a public body. Since the appellant did not prefer any application before any public body, her direct appeal before this Honourable Commission is not competent.*
- 2. That the application was filed before the Cabinet Division (public body) only; subsequently, the appeal (without prejudice to the ground [1] above) could have been filed against the same public body before whom the application was filed.*
- 3. That the PPRA and all other bodies (except the Cabinet Division) have been issued directions in the proceedings in violation of the spirit of the 2017 Act. This Honourable Commission, it is respectfully submitted, does not have suo moto power under the 2017 Act. Further, PPRA was never impleaded as party in the appeal, therefore, no direction by this Honourable Commission can be issued to a body which is not even arrayed as party in the appeal.*
- 4. That the 2017 Act was promulgated to ensure the access of the citizens of Pakistan to the information available with the public bodies. The basic application dated 03-07-2020 filed by Mr. Syed Pervaiz Zahoor (and not by Mst. Saima Tasneem) manifestly reflects that Mr. Syed Pervaiz Zahoor (the applicant before Cabinet Division) had full access to the "information" contained in the documents listed therein. Therefore, there was no need to file any further application before the public body. The application dated 03-07-2020, seems to be misconceived and unjustified. The direct appeal by the appellant (Mst. Saima Tasneem) is also misconceived and unjustified and requires forthwith dismissal.*

It is therefore most respectfully and humbly prayed that the captioned appeal may kindly be dismissed.”

22. The hearing was adjourned for November 12, 2020 with the direction to the members of PPRA board who have not provided the requested information to provide the same within a week.
23. The hearing dated 12/11/2020 was attended by the Ms. Saima Tasneem, Appellant, Irfan Rafiq, Council for the appellant, Abdussaboo, Director (E&RT), Ministry of Communication, Waleed, Section Officer (Coord) Ministry of Communication, Akbar Azam Rajar, Deputy Secretary (E&D) Ministry of Energy (Power Division) and Shamsul Haq, Section Officer (Law), Ministry of Energy (Power Division).

24. Abdussabooh, Director (E&RT), Ministry of Communication, during the hearing said that the record is not available with the Secretary's office. The then Secretary Shoaib Siddique attended the 37th board meeting. Akbar Azam Rajar, Deputy Secretary (E&D) Ministry of Energy (Power Division) again requested for time to find out the record.
25. Hearing was adjourned for November 19, 2020 and hearing notices were received by the representative of Ministry of Communication and Ministry of Energy. While notices to the Secretary, Ministry of Industries and Production, Joint Secretary (RA III), Cabinet Division, Secretary, Ministry of Defence Production, Secretary, Finance Division, and Secretary, Ministry of Housing and Works were sent on November 17, 2020.
26. During the hearing held on November 19, 2020, Akbar Azam Rajar, Deputy Secretary, (E&D), Ministry of Energy, Power Division, Joint Secretary, Hassan Mahmood, Cabinet Division and Shahadat Ali Khan, Section Officer, Industries and Production Division submitted the attested copies of the originally documents circulated by PPRA to Secretaries as PPRA Board Members. Syed Hassan Muhammad, JS, (RA) Cabinet Division, Shahad Ali Khan, SO, Ministry of Industries and Production and Akbar Azam Rajar, Deputy Secretary, (E&D), Ministry of Energy, Power Division submitted copies of documents circulated by PPRA and received by these public bodies.

C. Discussion and Commission's View on Relevant Issues

27. The questions for the consideration of the commission are as under:
 - (A) Can an Appellant seek copies of documents circulated by a federal public body to its board members?
 - (B) Can a citizen file request for information through a counsel?
28. The learned counsel for PPRA submitted before the commission that "the appellant before this Honourable Commission was not the Applicant before the public body (Cabinet Division). Section 17 of the 2017 Act requires that only an 'applicant' can file appeal against a public body. Since the appellant did not prefer any application before any public body, her direct appeal before this Honourable Commission is not competent". This contention of the learned counsel misinformed as under Rule 4. 2 of the Right of Access to Information Rules 2019 "Any citizen of Pakistan or any person who is acting for or on behalf of such person may apply on a plain paper or by using the sample of the application form, as may be prescribed by the Information Commission".
29. The learned counsel of the PPRA submitted before the commission that "That the application was filed before the Cabinet Division (public body) only; subsequently, the appeal (without prejudice to the ground [1] above) could have been filed against the same public body before whom the application was filed". This assertion is factually incorrect as per record available on the file.
30. The learned counsel of the PPRA also submitted before the commission that "The basic application dated 03-07-2020 filed by Mr. Syed Pervaiz Zahoor (and not by Ms. Saima Tasneem) manifestly reflects that Mr. Syed Pervaiz Zahoor (the

applicant before Cabinet Division) had full access to the "information" contained in the documents listed therein. Therefore, there was no need to file any further application before the public body. The application dated 03-07-2020, seems to be misconceived and unjustified". This assertion is presumptuous and in conflict with the provisions of the Act. Section 11 (5) of the Act states:

"In no case shall an applicant be required to provide reasons for his request"

31. The learned counsel for PPRA submitted that "the PPRA and all other bodies (except the Cabinet Division) have been issued directions in the proceedings in violation of the spirit of the 2017 Act". The learned counsel of PPRA also submitted that "Further, PPRA was never impleaded as party in the appeal, therefore, no direction by this Honourable Commission can be issued to a body which is not even arrayed as party in the appeal".
32. The commission issued directions to the public bodies throughout the proceedings both in letter and spirit of the Act. Therefore, the contention of the learned counsel of PPRA does not hold water when seen in both letter and spirit of the Act.
33. In response to the notices of the commission as to why the requested information had not been provided to the Appellant, representatives, Cabinet Division and PPRA board members informed the commission that PPRA was the custodian of the records and that the PPRA board members had only received copies of the records as circulated by PPRA. Section Officer, Ministry of Industries and Production and Syed Hassan Mehmood, Joint Secretary RA III, the Representative of Cabinet Division showed copies of the documents to the commission and testified before the commission during the hearing on that copies received by them as PPRA board member and as controlling body of PPRA respectively were not the same as in the custody of PPRA as alleged by the Appellant. This commission needed to determine that records in the custody of PPRA and its copies were the same as circulated to PPRA board members.
34. The commission directed PPRA, its board members and Cabinet Division, as controlling body of PPRA to produce copies of the information/records circulated by PPRA before this commission as an evidence in the hearing before the commission. They were directed to produce this evidence under the powers vested in this commission under Section 20 (d) (i) (e) which is as under:
"(d) Conduct inquiries in relation to an appeal and for this purpose shall have the powers of a civil court in respect for the following matters:
 - i. Summoning and enforcing the attendance of witness and compelling them to give oral or written evidence on oath; and*
 - ii. Requiring public bodies to produce records as defined in section 6 pertaining to the appeal;**e) Order a public body to disclose information to an applicant or to take such other reasonable measures as it may deem necessary to remedy any failure to implement the provisions of this act;"*
35. The commission holds that Section 2 (v) defines information as "information based on record" and it includes information disseminated through copies of the records by custodian public body to other public bodies.

36. This commission is of the view that copies of the minutes of meetings and copies of the related documents are circulated to the board members to keep paper-trail of what transpires during the course of official meetings. As such, if a citizen has any doubt about the veracity of the records kept by a public body as their custodian, the citizen can get access to the copies of the records circulated, as official requirement, to any other public body. In this connection, the spirit of the Right of Access to Information Act 2017 needs to be understood which is articulated through the Preamble of the Act:

“An act to provide for the rights of access to information in transparent and effective manner, subject only to reasonable restrictions imposed by law”

“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.

AND whereas it is expedient to provide for a law which gives effect to the fundamental right of access to information, as guaranteed under Article 19A of the Constitution of Islamic Republic of Pakistan and international law, whereby everyone shall have the right to have access to all information held by public bodies subject only to reasonable restrictions imposed by the law and for matters connected therewith or incidental thereto”

37. Even a cursory glance at the Preamble suggests that transparent functioning of public bodies through improved access to information held by public bodies is aimed at achieving purposes such as improving governance, reducing corruption and inefficiency in the government and promoting respect for human rights. Therefore, the spirit of the law dictates that the constitutionally guaranteed fundamental human right of the citizens cannot be sacrificed on the altar of technicalities identified by the learned counsel, which even otherwise do not merit consideration under provisions of the Act.

38. The documents submitted by PPRA board members i.e. Ministry of Water Resources, Ministry of Industries and Production, Ministry of Energy-and representative of Cabinet Division, controlling body of PPRA, show that the Minutes of 37th meeting of the Public Procurement Regulatory Authority Board held on 1st April, 2019 contain 11 paras in total (3 pages). Whereas records produced by PPRA before this commission shows that Minutes of 37th meeting of the Public Procurement Regulatory Authority Board held on 1st April, 2019 contain additions in para 11 and consists of four pages. This addition in para 11 is reproduced here:

“MD PPRA presented the Agenda Item in connection with the appointment related matters and apprised that Fifty-Two, (52) employees joined PPRA in pursuance of the decisions of various Writ Petitions against which I.C.A filed by the authority is pending adjudication. However, these employees are serving the initial probationary period of one year which is about to be exhausted. The Board deliberated that the court cases of PPRA should be fully defended in the relevant court of law being important in nature. It was apprised that the

Board may like to consider delegation of appropriate powers to MD PPRA to decide appointment related issues as well as of probation including confirmation, extension of probation and termination of service, court matters etc. of the newly recruited employees. After thorough deliberations, the Board decided as under:

Decision

The Board delegated all the powers to the Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of the probation and termination of service, relevant court matters as the case may be, and authorised him to decide accordingly being competent authority and the only full time Member of the PPRA Board”.

39. The question before this commission is as to why the minutes of the same meeting produced before this commission by PPRA show sweeping powers delegated to MD, PPRA by its Board Members while these powers seem not to have been delegated to MD, PPRA as apparent from the copies circulated to its Board Members? Where is the office copy of 37th PPRA Board meeting whose copies were circulated by PPRA to its Board Members? Why certified copy of the minutes of the 37th PPRA Board meeting provided to this commission contains delegated powers to MD, PPRA whereas its copies circulated to its Board Members do not reflect such delegation of powers? What explains the discrepancy between the documents available with PPRA and their copies circulated to Board Members? Has the office copy of 37th meeting of PPRA Board Members been destroyed or tampered with? What have been the consequences of the unlawfully delegated powers as seems to be apparently the case when scrutinising the documents available with PPRA and their copies circulated to its Board Members? Do the consequences of unlawful delegation of powers include, as alleged by the Appellant, her termination from service without lawful authority?
40. The fact that representatives of Cabinet Division and PPRA Board Members submitted copies available with the Cabinet Division and PPRA Board Members were different than those made available to this commission by PPRA clearly suggests that powers pertaining to the recruitment of employees were unlawfully delegated to MD, PPRA. As such, Secretary, Cabinet Division, as head of controlling body of PPRA and Secretary, Finance, as Chairman of PPRA Board need to determine the factors behind this discrepancy and ensure that this matter is neither covered-up nor brushed under the carpet.
41. This commission is of the view that this is not a matter of mere error and omission but an extremely serious matter of unlawful appropriation of powers through tampering of official records. As such, it has serious consequences for PPRA employees and its functioning as an important regulatory body, established to ensure judicious utilizations of public funds in public procurements. This commission hopes that it is only a one-off case and not a trend.
42. This is prima facie a case of destruction or, tampering of official records, or both. As such, it needs to be investigated as an offence under Section 22 (1) (d) and (2) of the Right of Access to Information Act which is as under:
 - (d) *“Destroying a record without lawful authority, shall be punishable with a fine not exceeding fifty thousand rupees*

(2) In addition to any other action that may be taken under any other law for the time being in force, any person who wilfully destroys a record which at the time it was destroyed was the subject of an application for access to information which is the subject of an application or appeal, with the intention of preventing its disclosure under this Act, commits an offence punishable with imprisonment for a term which may extend to two years or with fine which shall not be less than one hundred thousand rupees or with both”.

43. As such, this commission is obligated to refer all record on the file to relevant agencies as required under Section 20 (1) (h) of the Act which is as under:

“The information commission after determination of wilful destruct of record shall refer such matters to the relevant agencies”

44. This commission is of the view that this matter needs to be thoroughly investigated by Director General, Federal Investigation Agency, (FIA). The commission hopes that if FIA investigation determines that the documents have been tempered with for nefarious ends, those involved will be brought to justice.

D. Order

45. Copy of this Order along with copies of the record as available on the file be sent to Director General, Federal Investigation Agency, (FIA) to investigate whether the discrepancy between the documents made available by PPRA to this commission and their copies circulated by PPRA to its Board Members constitutes an offence under Section 22 (1) (d) and (2) of the Right of Access to Information Act 2017, and, any resultant unlawful hiring or termination of PPRA employees.

46. Copies of this Order be sent to PPRA Board Members, Secretary to Prime Minister, Secretary, Establishment Division and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

January 13, 2021

This order consists of 11 (eleven) pages, each page has been read and signed