

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 696-11-2020

Zeenat Bibi

Vs

Islamabad Wildlife Management Board, Islamabad

Date: 25.1.2020

Fawad Malik: Information Commissioner.

A. APPEAL:

1. The brief facts of the appeal are that Mst. Zeenat bibi filed an information request dated 2.10.2020 in the office of the Chairman, Islamabad Wildlife Management Board, Islamabad, seeking therein hard copies of the Minutes of meetings from the 1st to the 21st board meeting including emergency board meetings with approved copies of agenda and complete details of budget utilization for the span of period from 10 August to 30 September 2020, under the Right of Access to Information Act 2017.
2. The Chairman of the respondent public body vide letter dated 12.10.2020, replied the applicant as under;

“As the information requested requires a large amount of documentation and the response of Ministry of Climate Change, and as there is no clear indication of this specific information you require, therefore you are requested to kindly attend, our office situated at Islamabad Zoo on 15th October, Thursday at 10 A.M.”

3. Appellant feeling aggrieved of the reply has filed her appeal before the Pakistan Information Commission against the response of the Chairman of the public body on 27.10.2020. The appeal is annexed with the reply dated 12.10.2020 and the authority letter extended by the appellant in favour of Mr. Yasir Maqsood. The relevant part of the appeal is reproduced as under;

“.....I received a letter from the IWMB with a copy attached, there was also a call on my mobile which contained a threat as to why you need information, for what purpose you need data, etc and if you needed data, come to the IWMB office. I did not go to IWMB office myself but referred my relative on my behalf. The people of the IWMB said that Ms. Zeenat Bibi should come personally or give you an authority letter. I gave an authority letter in the name of Yasir Maqsood and then he said we want to meet her.”

B. PROCEEDINGS:

4. The appeal was fixed for hearing on 18.11.2020 before the Commission and both the appellant as well as the respondent were informed accordingly vide notices dated 3.11.2020.

5. On 18.11.2020 Mr. Abdul Hye Agha, Secretary (Board) represented the public body where as Mr. Yasir Maqsood authority holder of the appellant appeared before the Commission. After hearing both the parties the Commission directed Mr. Yasir Maqsood to deposit the cost worked out for the provision of the requested record and the representative of the public body was directed to provide the requested information to the appellant within a week under intimation to the Commission.
6. The appellant through letter dated 24.11.2020 informed the Commission that the public body has not complied the direction of the Commission and instead of delivering the record within seven days has refused to share the information. Keeping in view the situation the appeal was fixed for hearing on 20.1.2021 when representative of the appellant appeared and complained that he has visited the office of the public body time and again but of no avail and finally Mr. Abdul Hye Agha has refused to share the information. On the other hand no one appeared on behalf of the respondent.

C. COMMISSION'S VIEW:

7. The Commission at the first instance will determine whether the requested information is permissible to be shared under the spirit of the Act and if it is shareable record than whether the conduct of the public body is in accordance with the Act?
8. The appellant has requested Minutes of meeting from the 1st to the 21st board meeting including emergency board meetings with approved copies of agenda and complete details of budget utilization for the span of period from 10 August to 30 September 2020. A glance at the request shows that the information falls within the compass of the public record that ought to have been published including uploading over the internet by the public bodies within six months of the commencement of the Act. The section 5 of the Act mandates proactive disclosure of the record that has not been complied with in letter and spirit.
9. The purpose behind the enactment of the Act is to ensure that the people have improved access to the record held by the public authorities and making the government more accountable to the citizens, improving the participation of people in public affairs for reducing corruption and inefficiency in the working of the government. The Act shall be interpreted so as to advance its purposes as set out in the preamble and the public authorities are bound to facilitate and encourage the disclosure of information promptly to promote the right of access to information.
10. The respondent's response with uncalled queries and asking the appellant to appear in person is nothing but an effort to linger and delay the matter through written correspondence giving the impression of non-cooperative behaviour. This sort of evasive behaviour is not confidence inspiring rather is against the spirit of the Act. The public bodies instead creating bureaucratic technical obstacles must adopt the procedure of faster track provided in the Act to ensure the delivery of information within the time limit mentioned in the Act. The Act in itself is comprehensive and unambiguous in its interpretation. The request that identifies the information in sufficient detail is a proper and valid request, leaving no room for any further details.
11. The request under section 11 of the Act can be made by mail, fax, online, e-mail or in person. The applicant, ladies in particular cannot be compelled to attend the office for filing the application or for collecting the information. It is option of the applicant which mode he/she chose for filing of the request and receiving the information.
12. The applicant in no case is required to provide reasons for his/her request nor the applicant is bound to disclose where the requested information will be used. Likewise the Act has not restricted nor the public body can confine the applicant to any limit for asking the information; therefore the public

bodies are under obligation to provide the size of the requested information, provided the applicant pays for the documents according to the Schedule of Cost provided by the Commission.

13. Mr. Abdul Hye Agha, Secretary (Board) appeared before the Commission on 18.11.2020 when he was directed to provide the requested information within a week but the direction of the Commission has not been complied with nor did he appear on the following date of hearing. This amounts to deliberate and wilful obstruction in the activity of the Commission causing prevention and delay in the disclosure of information, warranting imposition of fine under section 20(f) of the Act. The Commission taking a lenient view warn him to be careful in future.

D. ORDER:

14. The appeal is allowed. The Chairman, Islamabad Wildlife Management Board is directed to provide the appellants or her representative, the hard copies of the requested information forthwith but in any case not later than seven days of the receipt of this order, on the payment of cost according to the Schedule of Cost.

He is further directed to make arrangements for the proactive disclosure of the information as required under section 5 of the Act.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 26.1.2021

Certified that this order consists of 3(three) pages, each page has been read and signed.