

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 724-11-2020

Pervez Said
Vs
Ministry of Communications

Date: 17/02/2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr. Pervez Said, appellant filed an application to the Secretary Ministry of Communications under the Right of Access to Information Act 2017, for the provision of following information:-
 - i. *“What is the reasoning behind the particular stretch of the Lahore-Sialkot Motorway being unpoliced at the time of the unfortunate incident in question on 9.9.2020?”*
 - ii. *What are the reasons for no member of Motorway Police coming to the help and rescue of the victim and her children in their hour of need?*
 - iii. *What is the reasoning for non-provision of sufficient resources on the Lahore-Sialkot Motorway whereby Motorway Police or other Government personnel are not available for the protection and safety of road users in that area?*
 - iv. *What measures does the Ministry propose to take to ensure that the Motorway Police is available at all times to all persons along the Motorway in order to effectively police the area?*
2. The requested information was not provided to the appellant within the stipulated period therefore feeling aggrieved the appellant filed his appeal before the Pakistan Information Commission for the provision of the above mentioned request.

B. PROCEEDINGS:

3. On the intervention of the Commission the National Highway Authority filed para wise reply which is as under:-

S. No.	Queries	Reply
1	<i>What is the reasoning behind the particular stretch of the Lahore-Sialkot Motorway being unpoliced at the time of the unfortunate incident in question on 9.9.2020?</i>	The incident was not happened on Lahore – Sialkot Motorway (M-11). It was happened on Lahore eastern Bypass which is a Link road to L-S Motorway. It was made operational for all kind of traffic on 08.02.2020 for public after inaugurated by Federal Ministry Mr. Shafqat Mehmood. The deployment of NH&MP was in process at Ministry Level.
2	<i>What are the reasons for no member of Motorway Police coming to the help and rescue of the victim and her children in their hour of need</i>	The NH&MP was not directly deployed at area of incident. It came to know that local Police arrived at incident place after receiving the incident call. Further details can be checked from NH&MP and local Police.
	<i>What is the reasoning for non-provision of sufficient</i>	This Lahore – Sialkot Motorway is constructed by FWO on BOT basis and this Motorway is

3	<i>resources on the Lahore-Sialkot Motorway whereby Motorway Police or other Government personnel are not available for the protection and safety of road users in that area</i>	under operational and Maintenance with FWO for a period of 25 years. The case for approval of deployment NH&MP was under process at competent forum because it was reported by the NH&MP that there is shortage of patrolling staff and needs appointment of new staff for patrolling on different project recently completed and opened for traffic.
4	<i>What measures does the Ministry propose to take to ensure that the Motorway Police is available at all times to all persons along the Motorway in order to effectively police the area</i>	The matter pertains to Ministry of Communications

4. The appellant through his letter dated 28.01.2020, addressed to the Commission conveyed his dissatisfaction with the information shared by the NHA. The relevant part is reproduced as under;

“Notwithstanding the fact that the answers to our questions ostensibly answered by NHA are not satisfactory, even otherwise, we did not submit our application to the NHA but to the Ministry of Communication which is duty-bound to respond to our RTI under the Right of Access to Information Act, 2017”.

5. Keeping in view the divergent pleadings, the appeal was fixed before the Commission on 24.02.2021 and both the parties were informed accordingly vide notices dated 04.02.2021. On 24.2.2021, Miss Asima Naqvi, DSP the representative of the public body appeared and provided the following information which is shared with the appellant.

S. No.	Queries	Reply
1	<i>What is the reasoning behind the particular stretch of the Lahore-Sialkot Motorway being unpoliced at the time of the unfortunate incident in question on 9.9.2020?</i>	The fact is that the unfortunate incident occurred on the Lahore Eastern Bypass Road which is not part of Lahore – Sialkot Motorway (LSM). On this road Punjab Police has deployed 10 vehicles and 121 personnel on the Bypass Road for safety of commuters.
2	<i>What are the reasons for no member of Motorway Police coming to the help and rescue of the victim and her children in their hour of need</i>	Law enforcement in the area primarily rests with Punjab Police. Moreover, even in the case of deployment of NH&MP on a road, the provincial police and other civil armed forces are required under Section-91 of National Highways Safety Ordinance (NHSO)-2020 to assist the National Highways and Motorways police in discharge of its functions.
3	<i>What is the reasoning for non-provision of sufficient resources on the Lahore-Sialkot Motorway whereby Motorway Police or other Government personnel are</i>	As explained in the response given in query No.(i) above.

	<i>not available for the protection and safety of road users in that area</i>	
4	<i>What measures does the Ministry propose to take to ensure that the Motorway Police is available at all times to all persons along the Motorway in order to effectively police the area</i>	Ministry of Communications has already directed NHMP to ensure proper patrolling within its area of jurisdiction and take appropriate measures to ensure safety and security of commuters to avoid any untoward situation in future. Furthermore, to avoid any untoward incident on this particular road. Punjab Police has been deployed as stated in (i)

B. COMMISSION'S VIEW.

6. The reading of the request depicts that the appellant has asked for the provision of information vis-à-vis the deployment of Motorway Police on Lahore-Sialkot Section. He further desires to know the reasons for not rescuing the victim and children of the unfortunate incident of 9.2.2020 by the Motorway Police and the steps and measures taken in this behalf for the protection and safety of the public. The Commission after going through the request and the reply is of the considered view that all the queries has been responded and addressed by the Ministry of Communication and NH&MP.
7. The appellant has not asked for the provision of any particular document or record specifically in his request rather has desired to know the reasons and the application is based on queries. Reasons generally are oral information whereas the Act defines the “information” as information based on record. The Commission expects the applicants desirous of information to be more particular and precise in the drafting of their requests.
8. Ministry of Communications is the central policy making body and administrative authority in roads infrastructure, road transportation and policing on National Highways & Motorways. National Highway Authority and National Highways & Motorway Police are the organizations of the ministry. The reply submitted by the allied department or organization on the direction of the ministry is considered as reply by the ministry. The objection of the appellant against the ministry for not responding is uncalled for and not sustainable. However the public bodies are expected to respond and process the applications as required under section 13 within the stipulated frame of time provided in the Act.
9. It has been noticed by the Commission that designated officer as required under section 9 of the Act has not been notified by the respondent public body. In the absence of the designated officer the principal officer is treated as the designated officer.
10. Section 5 provides the category of record that has been mandated to be published including uploading over the internet to ensure its accessibility, within six months of the commencement of the Act.

C. ORDER.

11. The appeal does not call for any further interference by the Commission; however the Secretary, Ministry of Communication is directed to make arrangements for the implementation of sections 5 & 9 of the Act, under intimation to the Commission by 19.4.2021.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 2.3.2021

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