

Pakistan Information Commission

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Appeal NO-495-08/2020

Moonus Kayinat Zahra

(Appellant)

Vs.

Ministry of Railways

(Respondent)

Waris Ali

Director Admn

ORDER

Date: January 26, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 18/08/2020 in which he stated that he had requested information from Ministry of Railways under the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 22/07/2020 is as under:
"1. Please share certified information about the total amount of funds utilized from public exchequer on the advertisements of all types (public service message, awareness campaign, jobs, tenders etc.) In print and electronic media from May 2019 to May 2020."

Date	Text of Add (copy of add)	Name of Newspaper of TV Channel	Total amount paid

B. Proceedings

3. Through a notice dated 21/08/2020, the Commission called upon the Respondent to submit reasons for not providing the requested information.

Handwritten notes:
Issue
21/02/2021

4. The Respondent did not respond to the notice and the hearing date was fixed for 20/10/2020 through a notice dated 6/10/2020.
5. On 20/10/2020 Shahbaz Ahhmed (AD/Legal) and M. Saleem Khan (JD/Legal) appeared on behalf of the ministry, they requested an extension of two days to provide the requested information, which was allowed.
6. The Public Body failed to fulfill their commitment and did not provide the requested information.
7. Another hearing notice was issued to the Public Body on 4/01/2021, to appear before the Commission on 19/01/2021.
8. No one appeared on behalf of the Respondent on 19/01/2021.

C. Discussion and Commission's View on Relevant Issues

9. The Appellant requested information related to the capital utilized from Public Exchequer on advertisements of all types.
10. The Public Body is bound to proactively disclose such information on their website under Section 5(1) (g) of Right of Access to Information Act 2017.
11. The requested information further falls under Section 6(b) of the Act making it public record and imposing a duty on the Public Body to proactively disclose such information.
12. The designated Public Information Officer not only failed to respond to the information request of the Appellant but also displayed a heedless attitude towards the notices of the Commission, violating Section 10, 12 and 14 of the Right to Information Act 2017.
13. Making a commitment to provide the information before the Commission and then no compliance leaves a careless and unprofessional image of the Public Body and its officials.
14. The account in to which public funds and other public funds are deposited is termed Public Exchequer. The citizens should have complete awareness as to where and how their hard earned money is spent. Showing unwillingness to share such information is a matter of grave concern.
15. Public bodies are the custodians of public records and not its owner.
16. Access to the information demanded by the citizen is his constitutional and statutory right under article 19-A of the Constitution of Islamic Republic of Pakistan.
17. The Public Body is bound by law to provide the requested information to the citizen or else the Commission will be left with no other option but to penalize the Respondent in accordance with the provisions of the Right of Access to Information Act 2017.

D. Order

18. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
19. Respondent is also 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 by 26/02/2021.

20. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.



Mohammad Azam
Chief Information Commissioner



Fawad Malik
Information Commissioner



Zahid Abdullah
Information Commissioner

Announced on:
February 2, 22, 2021

This order consists of 3 (Three) pages, each page has been read and signed



Pakistan Information Commission
Government of Pakistan
Islamabad