

## IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 823-01-2021

Mian Ejaz Saifal  
Vs  
Zarai Taraqiat Bank Limited

Date: 9.3.2021

Fawad Malik: Information Commissioner

### A. APPEAL

1. Mr. Mian Ejaz Saifal, Advocate has filed his appeal dated 21.12.2020 before the Pakistan Information Commission alleging therein that his request for information under the Right of Access to Information Act 2017, in the office of the President, Zarai Taraqiat bank Limited, Head Office, Islamabad has not been responded with in the stipulated frame of time provided in the Act.
2. The appellant in his application dated 7.12.2020 has requested the following information from the office of the respondent Public Body:-
  1. *SECP had issued Public Sector Companies (CORPORATE GOVERNANCE RULES 2013) which were adopted by the ZTBL Board of Directors in 2014. Please provide us the copy of the acceptance/adoption of letter by the ZTBL Board of Directors in 2014.*
  2. *That the Board of Directors had empowered Syed Talat Mahmood the then president ZTBL with financial, administrative and disciplinary powers in 2014. The Board of Directors had also delegated legal power of attorney on a stamp paper for specific period. Please provide us the copies of the stamp paper and Resolution of the Board of Directors regarding delegation of powers.*
  3. *Please provide us the details of the employees/executives which have been hired and fired during the period of Mr. Muhammad Shahbaz Jameel as President ZTBL.*
  4. *Mr. Anjum Abbas EVP is working as acting president please send us the copy of the letter of his appointment as acting president because such illegal powers were challenged in Honorable High Court when Sheikh Amanullah was appointed as acting president by the government of Pakistan.*
  5. *Please provide us the copy of the rules which empower you to change the bank policies without the approval of the Board of Directors."*

### 3. PROCEEDINGS.

4. The Commission vide letter dated 07.01.2021, directed the Public Relations and Media Services Department, ZTBL, Head Office, Islamabad to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.  
Along with the notice the copies of the application and the appeal were appended.

5. Mr. Inamullah, PIO vide letter dated 14.1.2021 submitted the reply to the notice to the following effect:-

*“Regarding the provision of Information to the applicant, it is informed that undersigned being Public Information officer has not received any such request in terms of Section 11(1) of said Act.2017 (as enclosed with Registrar, Pakistan information Commission’s letter dated 07.01.2021 for provision of information through Bank’s designated officer.”*

6. The appeal was fixed for hearing on 9.3.2021 before the Commission. Mr. Mohammad Imran, Advocate High Court argued the appeal vehemently on behalf of the public body.
7. COMMISSION’S VIEW
8. The appellant in his application to the President of the respondent public body has requested the following information and record:
  - a. The letter of the Board of Directors through which ZTBL in the year 2014 adopted the “Corporate Governance Rules 2013”, issued by Security Exchange Commission of Pakistan to the Public Sector Companies.
  - b. Copies of the Stamp Paper and Resolution of the Board of Directors through which Syed Talat Mahmood, the President of ZTBL in 2014 was delegated with the financial, administrative and disciplinary powers, for a specific period.
  - c. The lists of the employees/executives who were employed and those who were expelled from service, during the tenure of Mr. Mohammad Shahbaz Jameel, as President ZTBL.
  - d. Letter of appointment of Mr. Anjum Abbas as acting president.
  - e. Letter of appointment of Mr. Sheikh Amanullah as acting president.
9. This is sort of information that has been enlisted in the category of public record that ought to have been published including uploading over the internet proactively by each public body, to ensure its accessibility to the citizens, as mandated in section 5 of the Act.
10. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.
11. Right of access to the record and information in the matters of public importance is constitutional and statutory right of the citizens provided under the Constitution of Pakistan and the Right of Access to Information Act, 2017 respectively which cannot be denied or delayed at the whims of the government hierarchy.
12. The application for information was addressed to the President of the public body. The objection of the respondent that the application was not received by the designated officer of the bank cannot be considered as fatal against the appellant because the fundamental rights cannot be snubbed merely on the non-compliance of technicalities by the citizens. President being the Principal Officer of the bank is equally rather more responsible for not transmitting the application to the relevant desk.
13. The fundamental right under 19A of the Constitution of Pakistan read with the Right of Access to Information Act, 2017 can neither be treated lightly nor interpreted in a cursory manner but while interpreting Fundamental Rights

guaranteed by the Constitution, a cardinal principal has always to be borne in mind that these guarantees to the citizens are subject to the overriding necessity in the interest of citizens.

D. ORDER

14. The appeal is allowed. The Public Information Officer, ZTBL, is directed to provide the appellant all the requested information mentioned in para 8 of this order, forthwith but not later than seven days of the receipt of this order.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 29.4.2021

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