

# Pakistan Information Commission

## Government of Pakistan



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  @PkInfoComm



### In the Pakistan Information Commission, Islamabad

#### Appeal No 912-02/21

**Bilal Asghar**

(Appellant)

Vs.

**Ministry of Water Resources**

Through its Public Information Officer

(Respondent)

### ORDER

**Date:** May 31, 2021

**Zahid Abdullah:** Information Commissioner

#### **A. The Appeal**

1. The Appellant filed Appeal on February 22, 2021 to the Commission, stating that he had submitted information requests to the Public Information Officer, Ministry of Water Resources on February 11, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:  
*“Kindly provide complete record of the undersigned termination process and also provide attendance register copies for further action”.*

#### **B. Proceedings**

3. Through a notice dated March 09, 2021, sent to Public Information Officer, Ministry of Water Resources, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. On March 26, 2021, the commission sent another notice to the Respondent but no response was submitted to this commission. Through this notice, the Commission directed the public body to “submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice. Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that If the written arguments are not submitted within 15 working days, “the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”. .

### C. Discussion and Commission's View on Relevant Issues

5. The instant appeal highlights the challenges faced by citizens in exercising their constitutional right of access to information held by public bodies of the federal government. Such is the sorry state of affairs that officers have to file information requests and then appeals with commission even to get access to enquiry reports conducted against them.
6. This commission holds that deciding on information requests under the provisions of the Right of Access to Information Act 2017, henceforth referred to as Act, does not require rocket science but mere common sense. Had the Public Information Officer, (PIO) of the Ministry of Water Resources juxtaposed the requested information with the provisions of the Right of Access to Information Act 2017, the Appellant would not have to file appeal with the commission. The PIO would have provided the requested information to the citizen when request for information was filed and at the same time uploaded the finalised enquiry report on the web site of the Ministry of Water Resources as required under Section 5 (1) (i) of the Act. Even if the enquiry is still in process, the Appellant should have been provided the requested records in order to mount proper legal defence against any charges framed against him.
7. The commission is of the view that this case has brought to the fore interdependence and permeability of fundamental human rights. The interplay and the constitutionality of the right to information and right to fair trial and their inclusion in chapter of fundamental rights through Article 19-A and Article 10-A respectively has highlighted the pivotality of Article 19-A of the Constitution of the Islamic Republic of Pakistan in enjoying fundamental freedoms and exercising basic human rights. Our constitutional right of access to justice is also dependant on the exercise of our constitutional right to information. Hence, any attempt to delay or deny access to records pertaining to termination process of an employee is tantamount to delaying or denying the employee his or her right of access to justice in case an employee seeks to take any legal course against the employer based on these records.
8. This commission take strong exception to the radio silence maintained by the PIO, Ministry of Water Resources. The PIO failed to respond not only to the information request of the citizen, but the PIO also failed to respond to the duly sent notices of this commission. If directions of this commission in Section D of this Order are not followed within the stipulated time-frame, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

### D. Order

9. Appeal is allowed. The Public Information Officer, Ministry of Water Resources is directed to provide the Appellant certified copies of all the requested *records pertaining to the termination process along with certified copies of attendance register as requested by the Appellant*, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
10. The Respondent is 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 in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The

compliance report be submitted to this commission within 30 days of the receipt of this Order.

11. Copies of this order be sent to the Managing Director, PTCL and the Appellant for information and necessary action.

**Mohammad Azam**  
Chief Information Commissioner

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Announced on:

May 31, 2021

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