

Pakistan Information Commission
Government of Pakistan
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In the Pakistan Information Commission, Islamabad
Appeal No 972-04/21

Boota Imtiaz

(Appellant)

Vs.

Karachi Port Trust

(Respondent)

ORDER

Date: June 15, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on March 30, 2021 to the Commission, stating that he had submitted information requests to Chairman, Karachi Port Trust, on March 08, 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:
“Does Karachi Port Trust provide any facility/funds to its minority/non-Muslim employees to participate in their religious activities and to visit their holy places of worship within and outside the country?”

B. Proceedings

3. Through a notice dated April 06, 2021, sent to Chairman, Karachi Port Trust, 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 May 25, 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 its written response and also asked that “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 by June 09, 2021, “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. This commission is of the view that the access to the requested information pertaining to whether or not the Karachi Port Trust provides any facility/funds to its minority/non-Muslim employees to participate in their religious activities and to visit their holy places of worship within and outside the country is a matter of public importance.
6. This commission is of the view that the requested information as to whether or not the Karachi Port Trust provides any facility/funds to its minority/non-Muslim employees to participate in their religious activities and to visit their holy places of worship within and outside the country is a matter of policy and if such a policy exists, its certified copy should have been provided to the Appellant as it is a public document under Section 6 (a) of the Right of Access to Information Act 2017.
7. Even when a public body is not in possession of the requested record/information, it is bound to intimate the same to the Appellant as required under Section 12 of the Right of Access to information Act 2017.
8. The deafening silence of the Respondent with regard to the request for information and the notices of the commission demonstrates that the Respondent is oblivious to the shifting sands of time. The Right of Access to Information Act 2017 has empowered citizens to seek information from civil servants and they are legally bound to acknowledge their information requests and respond to them within specific time-frame.
9. In the instant appeal, the Respondent maintained radio silence and failed to respond to the duly sent notices of the commission.
10. Had the Respondent gone through the Act after receiving request for information of the citizen and notices of this commission, clearly referencing the Act, it would have saved time and resources of this Commission. It also demonstrates that the Respondent has not taken any steps for the implementation of the Act. It demonstrates that the powers vested in officers are not being exercised "reasonably, fairly, justly, and for the advancement of the purposes of the enactment" as required under Section 24A (1) of the General Clauses Act 1897.
11. This commission is of the view that the wilful delay or denial of the requested information causes undue cost to citizens and the commission. Citizens have to approach this commission for the exercise of their fundamental constitutional right of access to information which involves cost both in terms of money and time.
12. Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information so that they do not have to pay the undue cost in terms of time and money in exercising their right of access to information because of the dereliction of the duty of a public official.
13. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

14. Appeal is allowed. Chairman, Karachi Port Trust is directed to provide information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

15. Chairman, Karachi Port Trust is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
16. Chairman, Karachi Port Trust 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
17. Copies of this order be sent to Chairman, Karachi Port Trust and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 15, 2021

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