

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

APPEAL NO. E91-03-2021

Bushra Parveen

Vs

National Highways and Motorways Police

Date: 9.6.2021

Fawad Malik: Information Commissioner

**A. APPEAL.**

1. Miss Bushra Parveen, C/JPO, Belt No. J-1795, M-4 Zone, Motorway Police has filed his appeal dated 7.3.2021 before the Pakistan Information Commission alleging therein that his request for information filed in the office of the Sector Commander, M-4, Sector Commander, Lahore has not been responded with in the stipulated frame of time provided in the Right of Access to Information Act, 2017.
2. The relevant part of the requested information dated 8.1.2021 is reproduced as under:

"سیکٹر اینول ریوارڈ لسٹ کی کاپی اور میری اعتراضی درخواست کے حوالے سے سی پی او صاحب 17 کے Comments اور جناب جہانگیر صاحب کا اعتراضی درخواست پر مفصل تحریری فیصلہ -مجھے officially رسیو کروایا جائے مزید براں ہراسمنٹ ایکٹ ورک پلیس کے جرم میں زیبر انکوائری/کورت کیس میں بطور کئے جانے کی اب باضابطہ Accused آفیسرز کے نام Annual reward criteria کے مطابق not recommend تھریری طور پر درخواست کی جاتی ہے۔"

**B. PROCEEDINGS.**

3. The Commission after taking the cognizance of the appeal issued notice dated 11.03.2021 to the Sector Commander, National Highways and Motorways Police for filing of the reply. The notice was followed by the hearing notice dated 31.03.2021 directing public body to submit the written reply and arguments to the Commission within 15 days of the receipt of the letter.
4. The SP/Sector Commander, Sector 1 vide letter dated 20.4.2021 responded as under:

*" In this regard, it is submitted that the information requested through the hearing summon is directly connected with the complaint filed by the applicant which is sub-judice before the honorable Federal Ombudsman for Protection against Harassment at work place and a number of applications to this effect have already been submitted by the applicant for provision of the subject information in connection with the sub-judice compliant.*

*The information requested by the applicant is likely to prejudice the proceedings before the Federal Ombudsman, therefore, exempt from provision under Section 16 (i)(v) of the Right of access to Information Act 2017."*

**C. COMMISSION'S VIEW.**

5. The appellant is serving as C/JPO on M-4 Zone of the Motorway. She has alleged Harassment at Workplace whereon inquiry was conducted into the matter by DIG N-5 (North) Zone under the Protection against Harassment of Women at Workplace Act, 2010 on the direction of Inspector General, National Highways and Motorways Police

vide letter No. NHMP-39(5)/19/HRM/O.R/JPO/2439 dated 7.12.2020. The appellant in her request has asked for the provision of final inquiry report along with the complaint and all evidence and comments and findings of the inquiry officer.

6. The appellant has the preferential right to seek a copy of the requested information/record for the following reasons:
  - I. The inquiry or investigation reports that have been finalized is the category of information that ought to have been disclosed proactively by each public body as mandated in section 5(i) of the Right of Access to Information Act, 2017.
  - II. Article 19A of the Constitution of Pakistan provides every citizen to have the right of access to information held by the public bodies as a fundamental right.
  - III. The Rule 8(2) of the Protection against Harassment of Women at Workplace Rules, 2013 reads as “The inquiry Committee shall provide a copy of its recommendations to both the parties free of cost”.
  - IV. The right of the appellant for the access to the requested information is further fortified with the fact that she is the complainant of the said inquiry, establishing her superior right under the law to avail her legal rights before the relevant forum for her remedy.
7. The reply is submitted by the respondent denying the information for the reason that the matter is *sub-judice* before the honorable Federal Ombudsman and the provision of the information may prejudice the proceedings. The requested information is claimed to be exempted from disclosure under section 16(i)(v) of the Act. Suffice to state that this Commission is constituted for the very purpose of providing the citizens the right of access to the information and record held by the federal public bodies. On the other hand the honorable Federal Ombudsman’s jurisdiction is to address the malpractices in the federal departments. The information provided through this Commission may be instrumental and helpful before the Ombudsman but under no stretch of imagination it can be presumed that cognizance by this Commission will be considered as interference or may prejudice the proceedings before any other forum. The reply submitted by the respondent public body does not carry weight hence discarded.
8. It is noticed that NHMP has so far not notified the designated officer as mandated in section 9 of the Act.

D. ORDER.

9. The appeal is allowed. The Sector Commander, National Highways and Motorways Police, Sector-1 M-4, is directed to provide the appellant the requested information forthwith but not later than seven days of the receipt of this order. The Inspector General, National Highways and Motorways Police is directed to notify the designated officers as required under section 9 of the Act of the respective zones under intimation to this Commission by or before July 15, 2021.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 14.6.2021

Certified that this order consists of two pages, each page has been read and signed.