

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 756-12/20

Dewan Adnan Amlak

(Appellant)

Vs.

Pakistan Railways

Through Its Public Information Officer

(Respondent)

Order

Date: June 02, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated December 09, 2020, to the Commission, stating that he Submitted an information request to the Director (Properties and Land), Pakistan Railways, Lahore Division dated 17-11-2020 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
 - “1. Details of total agricultural land and land other than agricultural land (Commercial etc) owned by Pakistan Railway situated within territorial limits of Km 228 to 244 at Haveli Wasawewala Railway Station, including measurement of land and Aqs Shijra Parcha mentioning the Khasra Numbers and the location of the said land.
 2. Current status of the said properties/land whether leased or due to be leased also mentioning if any recovery is pending or any default been made by the lessee on account of payment of lease rent of the said properties
 3. Eligibility criteria (terms & conditions) for individuals to participate and to get the lease of the said land/properties in open auction.
 4. Schedule or copy of advertisement of lease (open auction) for the said land/properties due to be held in future.”

B. Proceedings

3. Through a notice dated December 17, 2020 sent to the Chief Personnel Officer / Public Information Officer, Pakistan Railways the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. This commission received copies of internal correspondence between the office of Chief Personal Officer and Director (Property and Land) however, the Respondent did not respond to the notice of the commission.

5. The appeal was fixed for hearing on March 24, 2021 and both the Respondent and the Appellant were informed according through a notice dated March 11, 2021.
6. No one appeared before the commission to represent the Respondent during the hearing held on March 24, 2021.
7. Through another notice dated April 29, 2021, the Respondent was again directed to submit written arguments before May 13, 2021, otherwise the appeal will be decided Ex Parte in the light of the record available on the file.
8. The commission did not receive any response from the Respondent.

C. Discussion and Commission's View on Relevant Issues

9. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred as Act.
10. The information requested by the appellant belongs to the Section 5 (e) of the Act, which is as under:
 - e) *The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body,*
11. The requested information is also declared as public record in Section 6 (b) and (c) of the Act, which is as under:
 - (b) "Transactions involving acquisition and disposal of property and expenditure are undertaken by a public body in the performance of its duties and functions;
 - (c) information regarding grant of licences, allotments and other benefits, privileges, contracts and agreements made by a public body".
12. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
13. According to Section 14 of the Act, "the public body shall be required to response to a request as soon as possible and in any case within ten working days of receipt of the request". However, in the instant appeal the respondent has failed to acknowledge and respond to the information request of the citizen.
14. The designate official of the public body is responsible for ensuring the requests are dealt with promoting full compliance by the public body for its obligation under this Act, the public body has failed to responds the notices of the commission, the commission observes that the wilful delay in the provision of the information to the citizen causes undue cost to the citizens both in terms of money and time.
15. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk

16. 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

17. The appeal is allowed. The Chief Personnel Officer / Public Information Officer, Pakistan Railways is directed to provide the information requested in Para-2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
18. The Respondent is also directed to upload notification of the Public Information Officer along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
19. The 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 June 27, 2021.
20. Copies of this order be sent to Chief Personnel Officer / Public Information Officer, Pakistan Railways and to the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 04, 2021

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