

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 427-07/20

Kashif Zubair Ahmad

(Appellant)

Vs.

Securities and Exchange Commission of Pakistan

(Respondent)

ORDER

Date: June 15, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on July 09, 2020 to the Commission, stating that he had submitted information requests to the Chairman, Securities and Exchange Commission of Pakistan on February 03, 2020 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:
 - “1. Please provide a copy of the report prepared by the Executive Director, Mr. Jawad Hussain, Corporatization and Compliance Department Company Law Division, on the complaint of undersigned, made to the Chairman SECP in the affairs of B & B Oil Mill Pvt. Ltd.
 2. Please provide information on what action, if any have been taken on the said report.
 3. Please provide the information along with the relevant record on any action taken on the said report.”

B. Proceedings

3. Through a notice dated July 23, 2020, sent to Chairman, Securities and Exchange Commission of Pakistan, 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. The appeal was fixed for hearing on September 22, 2020 and both parties were informed through notices sent on September 15, 2020.

5. Mr. Husnain Arshad, Joint Director, SECP attended the hearing held on September 22, 2020 and requested for time. The hearing was adjourned for September 29, 2020.
6. Mr. Arslan Afzal, Special Public Prosecutor, SECP, attended the hearing on behalf of Respondent and submitted information.
7. The information submitted by the respondent was shared with the appellant on September 29, 2020.
8. The appellant on October 02, 2020 submitted his response to the information shared by the Respondent which is as under:

“Please note that the above said report is neither signed nor an attested copy.

2. The SECP has not provided information requested, namely, 1) information on what action, if any have been taken on the said report, 2) information along with the relevant record on any action taken on the said report, see the point number 2 and 3 of the letters dated 3-2-2020 about the information required from them (copy attached).

3. Without providing information on implementing the report, which was prepared one year ago, on transfer of share that took place in 2008, the SECP has not complied with their duty to provide information.”
9. The response of the appellant was shared with the respondent and was directed to address the queries of the appellant before 9/02/2021.
10. Through a notice dated April 22, 2021, the Respondent was directed to submit written arguments before May 10, 2021 otherwise the appeal will be decided Ex Parte in the light of the record available on the file and the Right of Access to Information Act, 2017.

C. Discussion and Commission’s View on Relevant Issues

11. The Right of Access to Information Act 2017 requires public bodies to provide information/records in a certain manner described in Section 13 (3) of the Act which is as under:

“Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is correct or, as the case may be, copy is a true copy of the original records and such certificate shall be dated and signed by the designated official”.

As such, the Respondent, Securities and Exchange Commission of Pakistan is required to provide the Appellant certified copy of the report prepared by the Executive Director, Mr. Jawad Hussain, Corporatization and Compliance Department Company Law Division, meeting requirements of Section 13 (3) of the Right of Access to Information Act 2017.
12. This commission is of the view that the Appellant has the right to seek information about the follow-up action, if any, taken on the report prepared by the Executive Director, Mr. Jawad Hussain, Corporatization and Compliance Department Company Law Division, on the complaint of the Appellant.

D. Order

13. Appeal is allowed. The Public Information Officer, the Securities and Exchange Commission of Pakistan is directed to provide the Appellant certified copy of the report prepared by the Executive Director, Mr. Jawad Hussain, Corporatization and Compliance

Department Company Law Division, on his complaint, meeting requirements of Section 13 (3) of the Right of Access to Information Act 2017 and the follow-up action, if any, taken on the *report*, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

14. 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
15. Copies of this order be sent to The Public Information Officer, the Securities and Exchange Commission of Pakistan 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.