

Pakistan Information Commission

Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 734-11/20

Sharafat Ali Zia

(Appellant)

Vs.

Chief Commissioner

(Respondent)

ORDER

Date: August 03, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on November 24, 2020, to the Commission, stating that he had submitted information requests to the Chief Commissioner, Islamabad Capital Territory on August 11, 2020, under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
 - i. Details of development / welfare schemes planned and executed in the villages falling within the domain of Union Council Kirpa during the financial year 2011-12 to 2019-20;*
 - ii. Funds spent / utilized on execution of each of the said schemes; and*
 - iii. Details of development / welfare schemes planned for villages falling within the domain of Union Council Kirpa during the financial years 2011-12 to 2019-20 but were not executed along with reason(s) for the same."*

B. Proceedings

3. Through a notice dated April 27, 2021, sent to Chief Commissioner, Islamabad Capital Territory, 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. Through a notice dated May 25, 2021, the respondent was directed to submit written arguments before June 09, 2021. The Respondent did not submit its response to the commission.

C. Discussion and Commission's View on Relevant Issues

5. This commission takes strong exception to the fact that the Respondent has failed to respond to the duly sent notices of this commission. 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.

6. This commission is of the view that information about the development / welfare schemes planned and executed in the villages falling within the domain of Union Council Kirpa during the financial year 2011-12 to 2019-20, funds spent / utilized on execution of each of the said schemes and Details of development / welfare schemes planned for villages falling within the domain of Union Council Kirpa during the financial years 2011-12 to 2019-20 but were not executed along with reason(s) for the same is public information. This information should not only have been provided to the Appellant on his request but it should have been published on the web site of the Respondent as well.
7. The deafening silence of the Chief Commissioner, Islamabad Capital Territory 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.
8. In the instant appeal, the Respondent maintained radio silence and failed to respond to the duly sent notices of the commission.
9. 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.
10. 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.
11. 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.

D. Order

12. Appeal is allowed. Chief Commissioner, Islamabad Capital Territory is directed to provide the requested 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.
13. Chief Commissioner, Islamabad Capital Territory 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.
14. Chief Commissioner, Islamabad Capital Territory 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 Chief Commissioner, Islamabad Capital Territory and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 03, 2021

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