

**Pakistan Information Commission**  
**Government of Pakistan**

1<sup>st</sup> Floor, National Arcade, 4-A  
Plaza F-8 Markaz, Islamabad  
Website: www.rti.gov.pk  
Phone: 051-9261014  
Email: appeals@rti.gov.pk  
@PkInfoComm



**In The Pakistan Information Commission, Islamabad**

**Appeal No 1451-11/21**

**Bushra Perveen**

**(Appellant)**

**Vs.**

**National Highway & Motorway Police**

**(Respondent)**

**ORDER**

**Date:** January 31, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated November 02, 2021, to the Commission, stating that she submitted an information request to Inspector General, National Highway and Motorway Police on September 29, 2021 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:
  1. *“Provide certified copy of the reward list of year 2020 of Zone M4, Toba Tek Singh.*
  2. *Reportedly a letter was issued by the AIG (HQ) – Finance regarding alleged irregularities in the reward list. Please certified copies of the said letter and also provide complete detail of the action taken on that letter including noting on the file.*
  3. *Please provide certified copy of the revised list. (if any).”*

**B. Proceedings .**

3. In response to the notice of the commission dated November 09, 2021 The Respondent shared its response through letter dated November 26, 2021 which is as under:

*“In this regard, it is submitted that the information sought by the applicant Ms. Bushra Parveen Chack No. 242. GB Noor pur Basti. Tehsil Gojra District Toba Tek Singh, vide aforementioned appeal have already been communicated to the applicant vide this office letter No. NHMP-3(29)/PIC/L/21/683 dated 14-10-2021 (copy enclosed), whereas the information requested in point (2) of the application falls within the scope of exemption under section 7 (1) (a&b) of Right of Access to Information Act 2017, which provides as follow:*

*Exclusion of certain record- Nothing contained in section 6 shall apply to the following record of all public bodies, namely*

*(a) noting on the files subject to a final decision by the public body*

*(b) minutes of meetings, subject to a final decision by the public body”.*

4. The Respondent also shared copy of the letter dated October 14, 2021 sent to the Appellant and its text is as under:  
*“2. Information requested at Serial No.1 of your application referred above Le Reward List for the Year 2020 of M-4 Zone, National Highways & Motorway Police, Toba Tek Singh issued vide Office Order No. NHMP-RSF/Reward-2020/105 dated 15.02.2021 is enclosed berewith. Moreover, the information requested at Serial No 3 of your application is concerned; it is informed that no Revised Reward List has been issued.  
3 Regarding the part information requested at Serial No.2 of your application, it is informed that the same falls within the scope of exemption under section 7 (1) (a & b) of the Right to Information Act, 2017, therefore, not required to be provided under Section 13 (2) (b) (iv) read with Section 16 (1) (a) of the Act, ibid, for which you have the right of appeal under the said Act.  
4.This is issued with the approval of Deputy Inspector General (HQs), NHMP”.*
5. Hearing notice was sent on November 29, 2021 for the hearing to be held on on December 16, 2021 and both parties were informed accordingly. The Respondent did not attend the hearing.

### **C. Discussion and Commission’s View on Relevant Issues:**

6. The instant Appeal has brought to the fore following issues:
  - (a) Can certified copy of the letter issued by the AIG (HQ) \_ Finance regarding alleged irregularities in the reward list along with notings on the file and records available with the Respondent indicating any action taken on this letter be disclosed under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
  - (b) Has the Respondent carried out its obligations under Section 5 of the Act, 2017?
7. The Respondent has maintained that the copy of the letter and noting on the file cannot be shared under Section 7 (a) and (b) and Section 16 (1) (a) of the Act, 2017.
8. This commission holds that the requested information is not hit by any of the exemptions mentioned in the Act, 2017.
9. Even plain reading of Section 7 (a) and (b) suggests that ‘noting on the files’ and ‘minutes of the meeting’ are given qualified and not absolute exclusion from disclosure. Exclusion of ‘noting on the file’ and ‘minutes of the meetings’ is subject to a final decision. As such, ‘noting on the file’ and ‘minutes of the meeting’ cannot be shared during the deliberative process.
10. The disclosure of ‘minutes of meetings’ and ‘noting on the file’ during the deliberative process is protected to ensure that outside influence does not create hindrances in the deliberative process.
11. However, once a public body has taken a final decision, as is the case in the instant appeal, noting on the files and minutes of the meetings cannot be treated as excluded records.
12. ‘Noting on the file’ and ‘minutes of the meeting’, once final decision has been taken, reflect the quality of input by different officers which become basis for the final decision.
13. The Appellant has the right to have access to ‘noting on the file’ pertaining to the letter issued by the AIG (HQ) \_ Finance regarding alleged irregularities in the reward list, as

the Awards list has already been finalised to know that the alleged irregularities, if any, have been addressed.

14. It is evident that the Respondent, National Highway and Motorway Police has not notified Public Information Officer, (PIO) as required under the Act, 2017 to serve as a focal person to respond to information requests.
15. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
16. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.
17. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
18. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be 'accessible' for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of 'accessible' in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:  
*"The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities".*

#### **D. Order**

19. Appeal is allowed. Inspector General, National Highway and Motorway Police is directed to provide the Appellant certified copy of the letter issued by the AIG (HQ) \_ Finance regarding alleged irregularities in the reward list along with notings on the file and records available with the Respondent indicating any action taken on this letter, as mentioned in para 2 of this Order, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
20. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act 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](http://www.rti.gov.pk). The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
21. The Respondent is directed to designate Public Information Officer as required under Section 9 of the Act, and put name, designation, telephone number and E-mail of the PIO

at top right corner of the home page of its web site and submit compliance report to this effect to this commission within 10 working days of the receipt of this Order.

22. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist is available under 'Information Desk' category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
23. Copies of this order be sent to Inspector General, National Highway and Motorway Police and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: January 31, 2022

This order consists of 4 (four) pages, each page has been read and signed