

**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](http://www.rti.gov.pk)  
Phone: 051-9261014  
Email: [appeals@rti.gov.pk](mailto:appeals@rti.gov.pk)  
@PkInfoComm



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1321-09/21**

**Syed Ali Mehdi Nayyer**

**(Appellant)**

Vs.

**Deputy Commissioner Islamabad**

**(Respondent)**

**ORDER**

**Date:** February 08, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated September 21, 2021, to the Commission, stating that he submitted an information request to the Public Information Officer, Office of the Chief Commissioner, on September 02, 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. *"The undersigned is Special Attorney of Mat. Noureen Naqvi (2) Mat. Syeda Mobeen Zulfiqar (3) Mst. Zareen Nayyer daughters of Mst. Murawat Bukhari (4) Syed Liaqat All Naqvi son of Syed Ahsan Ali Naqvi (5) Shahnaz Begum (6) Syeda Tabassum Begum residents of House No. 10, St. No. 29, Umer Din Road, Wasanpura, Lahore owners of land measuring 55 kanals 11 marlas situated in Mouza Sarai Mahdu vide mutation of inheritance No. 52. Copy of the Special Power of Attorney is attached herewith.*
  2. *That the undersigned applied for copies of the case titled Ibrar Abbasi Versus Jamshad Barki etc and application dated 17.08.2020 titled Jamshad Khan Barki etc Muhammad Yaqoob Khan etc which was decided vide order. dated 18.09.2020 by Syeda Shafaq Hashmi, Notified Officer. However, the undersigned was not allowed to get complete copies of the above mentioned cases including interim orders, documents filed by Ibrar Abbasi, reply filed by Jamshad Barki i.e. legal heirs of Mst. Iqbal Barki and other relevant documents on the ground that the undersigned was not party to the proceeding.*
  3. *That the undersigned is legal representative of legal heirs of Syeda Murawat Bukhari daughter of Syed Mahboob Hussain Shah vide mutation of inheritance No. 52 Mouza Sarai Mahdu, total land measuring 55 kanals 11 marlas. and is entitled to get complete record of the case titled Ibrar Abbasi Versus Jamshad Barki and the record of the case/ application dated 17.08.2020 for implementation of order dated 03.12.2013 filed by the legal heirs of Mst. Iqbal Barki.*

4. *That every citizen of Pakistan is entitled to get copies of the cases under the Right of Access to Information Act, 2017, moreover the undersigned is entitled to get copies as legal representative of the legal heirs of late Syeda Murawat Bukhari, owners in possession of land measuring 55 kanals 11 marlas vide mutation of inheritance No. 52 which has been illegally and unlawfully adjudicated as land belonging to Mst Iqbal Barki vide order dated 18.09.2020 passed by Director General/Chief Commissioner/Notified Officer Syeda Shafaq Hashmi.*
5. *That the order dated 18.09.2020 was passed without jurisdiction and without impleading the legal heirs of Mst. Syeda Murawat Bukhari as parties to the lis, although valuable inherited rights of the legal heirs of Syeda Murawat Bukhari were involved in the case.*
6. *That your good office is hereby requested to provide complete copies of the cases titled Ibrar Abbasi Versus Jamshad Barki etc and application titled Jamshad Khan Barki etc Vs. Muhammad Yaqoob Khan etc dated 17.08.2020 filed by legal heirs of Mst. Iqbal Barki within ten working days being public record failing which the undersigned shall be constrained to file an appeal before the Information Commissioner, Islamabad with the prayer of imposition of fine of Rs.50,000/- for non compliance of the provisions of the Act*

**B. Proceedings:**

3. The Respondent failed to respond to the notice sent on October 08, 2021.
4. The commission sent hearing notice on November 29, 2021 but the Respondent did not attend the hearing held on December 23, 2021.

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

5. This commission has noticed that the Respondent, Chief Commissioner, Islamabad has not taken steps for the implementation of the Act.
6. In the instant appeal, Chief Commissioner, Islamabad, deemed to be Public Information Officer, (PIO), as required under Section 9 of the Act when a PIO is not designated by the head of a public body, failed to provide "written acknowledgement in response to" a request for information filed by citizen as required under Section 10 (1) of the Act. He also failed to follow procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act. Chief Commissioner, Islamabad, also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
7. Chief Commissioner, Islamabad, has neither designated Public Information Officer, as required under the Right of Access to Information Act 2017 nor ensured implementation of Section 5 of the Act.
8. The commission gave ample time to the office of Chief Commissioner, Islamabad but it failed to respond the notices of this commission. As such, this commission is left with no other option but to decide the instant Appeal ex Parte.
9. The Appellant has stated that he "applied for copies of the case titled Ibrar Abbasi Versus Jamshad Barki etc and application dated 17.08.2020 titled Jamshad Khan Barki etc Muhammad Yaqoob Khan etc which was decided vide order. dated 18.09.2020 by Syeda Shafaq Hashmi, Notified Officer". He also stated that he was not "allowed to get complete copies of the above mentioned cases including interim orders, documents filed by Ibrar Abbasi, reply filed by Jamshad Barki i.e. legal heirs of Mst. Iqbal Barki and other relevant documents on the ground that the undersigned was not party to the proceeding".

10. This commission is of the view that once final decision has been taken, all records on the file is public, unless any record, or, part of the record attracts any of the exemption clauses mentioned in Section 7 and Section 16 of the Right of Access to Information Act, 2017 which does not seem to be the case in the instant Appeal.

**D. Order**

11. Appeal is allowed. The Respondent is directed to share certified copies of the records/information requested 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 commission.

12. 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.

13. Copies of this Order be sent to the Respondent and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: February 08, 2022

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