

Appeal No. 1987-06/2022

Saddia Mazhar

Vs

Federal Ombudsman Secretariat

Fawad Malik: Information Commissioner

A. APPEAL

1. Miss Saddia Mazhar filed an e-mail request under the Right of Access to Information Act, 2017. Through her application dated May 23rd, 2022 addressed to the Federal Ombudsman Secretariat for Protection against Harassment, she has requested the following information:

- i. *“Details of measures taken by the Federal Ombudsman Secretariat for Protection against Harassment (FOSPAH) to ensure the formation of the anti-harassment committees in the public bodies, university and others.*
- ii. *Details of the action taken by FOSPAH against the public who have not notified anti-harassment committees so far.*
- iii. *Total number of cases / complaints received from Jan 2021 to date.*
- iv. *On how many complaints that are received from Jan 2021 to date FOSPHA has issued final judgments.*
- v. *How many judgments that were issued on complaints received between Jan 2021 to date are implemented and accused/public bodies? Complies with the directions / recommendations of FOSPAH.*
- vi. *Details of the action taken against the accused/public bodies which are reluctant to implement the order of the accused / public bodies.*
- vii. *List of the top fifteen public bodies against which the highest number of cases / complaints are registered / received.”*

2. Feeling aggrieved for the non-provision of information within the stipulated period provided under the Act, she has filed appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. The Assistant Registrar, Federal Ombudsman Secretariat for the Protection against Harassment vide letter dated July 13, 2022 has responded the notice of the Commission as follows:

“In the reply to the subject letter dated 22nd June, 2022, it is submitted that the applicant Saddia Mazhar approached this forum casually showing her lack of interest in getting the desired information. Had she been interested in getting some information she should have visited the office and contacted with some concerned person to enable her get the record / information which could be provided to her under the Right of Access to Information Act, 2017. In the circumstances the applicant may be asked to visit this Secretariat during the working hours in order to meet with concerned person to obtain relevant information, if so desired.”

C. COMMISSION’S VIEW

4. The appellant is looking for information and record from the Federal Ombudsman Secretariat for Protection against Harassment *vis-a-vis* to the measures taken to ensure the formation of the anti-harassment committees in the public bodies, universities etc., the action taken against the public bodies who have failed to notify anti-harassment committees, total number of complaints received from Jan 2021 to date, on how many complaints issued final judgments and finally implemented, the action taken against the public bodies which are reluctant to implement and the list of the top fifteen public bodies against which the highest number of complaints are registered / received.
5. The reply submitted reflects the non-serious attitude of the respondent public body towards the implementation of the Act. Instead acknowledging and providing the requisite information and record as mandated under section 13 of the Act, the appellant is being called to visit the office and contact the concerned person to collect the desired information. Reading of the Act transpires that it is appellant’s choice to choose the mode for filing the request and receiving the information whether through post, email, fax, by hand

or any other mode the facility of which is available in the office. She cannot be compelled to visit the office for the collection of information without her consent. It would be otherwise not practical, if a precedent is set down, for the citizens of the other provinces or living at a distant place.

6. The public body has not claimed exemption from disclosure nor denied the provision of the desired information and record in the written reply submitted before the Commission. The requested information is otherwise category of information that ought to have been published and uploading over the internet to make is accessible for the public at large being a matter of public importance and interest as mandated in section 5 of the Act.
7. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

8. The appeal is allowed. The Assistant Registrar, Federal Ombudsman Secretariat for the protection against harassment is directed to furnish the appellant all the requested information and record, forthwith, but in any case not later than seven days of the receipt of this order. He is further directed to establish contact with the appellant and seek her apt mode for the delivery of the information and record.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 16.08.2022

Certified that this order consists of 03 pages, each page has been read and signed.