



In The Pakistan Information Commission, Islamabad

Appeal No-331-02/2020

Muhammad Waseem Elahi

(Appellant)

Vs.

**Registrar
National Industrial Relations Commission**

(Respondent)

ORDER

Date: October 19, 2020

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 17/02/2020 in which he stated that he had requested information from National Industrial Relations Commission, under the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 31/01/2020, is as under:
 - i. "From which company/department, the website of NIRC designed and currently operated?"

- ii. Year wise details of cost effected to national exchequer since launch of NIRC website till to date?
- iii. Do you consider that there is very limited/restricted information available on NIRC website?
- iv. What is the total staff strength of NIRC, up-to-date details required covering staff name, qualification, BPS, salary, allowances, perks, experience etc?
- v. What is annual budget of NIRC, details required from 01-01-2011 to date?
- vi. Does NIRC compile its Annual Report; if YES, how many have been compiled till to date?
- vii. To whom that to be submitted?
- viii. Why not available on website?
- ix. Short details required of cases filed in NIRC's all benches by and against MCB Bank Ltd from 01-01-2004 to date on attached format (Annexure-A)?"

B. Proceedings

3. Through a notice dated 24/02/2020 sent to the National Industrial Relations Commission, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Then the Respondent through a hearing notice dated 13-07-2020 was directed that the above-mentioned appeal is pending decision before this Commission. The text of the notice is as under:

"In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017"

5. The Respondent failed to respond to this notice hence through a hearing notice dated 02/10/2020 they were directed to appear before this Commission on the 13/10/2020. The Respondent failed to appear this time as well.

C: Discussion and Commission's View on Relevant Issues

6. The key questions before the Commission are following:
 - a) Whether the requested information belongs to the category of information that should be accessible to public?
 - b) Whether the Appeal is maintainable against the National Industrial Relations Commission?

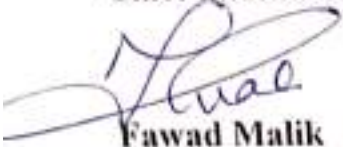
7. The perusal of Section 2 (ix) shows that the Respondent constitutes as a Public Body hence falls within the ambit of this Act.
8. Interpretation of the requested information shows that it falls under Section 5 (1) (a), (g), (h) and (i) of the Right of Access to Information act 2017, it is mandatory for the Public Bodies to make such information available on their website, for it to be in the reach of general public.
9. The Public Information Officer has failed to fulfil its obligations, hence defying Section 10 as it contains the Functions of the designated PIO.
10. It can be seen that the Public Body did not even consider responding to the information request of the citizen breaching its duty under Section 12 of the Act.
11. The commission is of the view that the delay of over 8 months in responding to the information request is caused by careless attitude of the Respondent in ensuring the implementation of the various provisions of the Right of Access to Information Act, including the acknowledgement of the receipt of the request for information as required by Section 13 (1) and responding to the requested information within specific time-frame as mentioned in Section 14 (1) and (2) of the Act.
12. The right to Information all around the world is given utmost importance and strictly complied by to promote greater participation of the general public in the matters related to them. It is baffling to see such ignorance of law by a vital department like National Industrial Relations Commission.
13. The Respondent by denying the requested information is depriving the citizen of not only his constitutional right under Article 19A of the Constitution of Pakistan but also his statutory right under the Right of Access to Information Act 2017.
14. This ignorance towards the information request and the multiple notices of the Commission shows the mismanagement of affairs in the Public Body.
15. Analysis of the requested information reveals that access to the requested information would aid in bringing transparency and providing greater accountability of the Public Bodies, performing public functions to the citizens, which is the spirit of enactment of this Act.
16. The participation of the citizens in the public affairs must be encouraged. Openness of the records will definitely be a stepping stone in reducing corruption.
17. If the directions of the Commission in this order are not complied with, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

C. Order

18. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, as per his request at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, 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 by 19/11/2020.
19. Respondent is directed to put contact details of the Public Information Officer on their 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.
20. Copies of this order being 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:
October 19, 2020

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