



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 1078-05/22**

**Anisur Rahman**

**(Appellant)**

Vs.

**Ministry of Human Rights**

**(Respondent)**

**ORDER**

**Date:** September 09, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated May 24, 2021 to the Commission, stating that he submitted an information request to the Federal Secretary, Ministry of Human Rights, Government of Pakistan on April 15, 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. *"I would humbly request for provision of Personal File (in copy) in request of Miss Aysha Hafeez from Social Welfare Department. Demise during Service for her leaves account, GP Fund and Nomination etc. for clearance of service dues."*

**B. Proceedings**

3. The record on the file suggests that the representatives of the Respondent and the Appellant assisted this commission in multiple hearing.
4. The record on the file shows that the Respondent took the plea that the requested information could not be shared as the matter was sub-judice.
5. The Appellant on June 16, 2022 submitted before this commission that he sought "specific information, i.e. Enquiry Report and withdrawal of complaint by supposed name of my Sister at 3.3.2022".
6. In the Hearing on the instant Appeal, held on August 12, 2022 vide letter dated July 25, 2022, The Respondent *was represented by* Gulam Hassan, Law Officer, Ministry of Human Rights and the Appellant also attended the hearing. Following the instructions of the commission, the Respondent produced before the commission the entire personal file and the Appellant was asked to get any copy of the records on the file. However, the Appellant did not take any certified copy and insisted that he be given copy of the enquiry report.

**C. Issues**

7. The instant appeal has brought to the fore the following issues:
- (a) Can the requested information be exempted from disclosure on the grounds of *lis alibi pendens* as submitted by the Respondent that the matter is sub judice in the court?
  - (b) Has the Respondent provided requested information permissible under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017 as mentioned in original request for information?

**D Discussion and commission's views on relevant issues:**

8. This commission maintains that the requested information permissible under the Act, 2017 cannot be denied on the grounds of *lis alibi pendens*.
9. This commission has maintained through its different Orders that pendency of the writ petition between the parties does not bar the provision of information under the Act unless specifically barred by the court itself, or, under the provisions of the Act.
10. Our ability to exercise our fundamental right of access to information enables us to attain our other fundamental rights such as gainful employment, right to life, right to clean drinking water, right to breathe in clean air and right to healthcare services etc. In fact, the constitutional right of access to information helps citizens in the exercise of right of access to justice as well by having access to records/information to effectively present their cases in the court of law.
11. This commission also maintains that the Appellant has expanded the scope of his original request which this commission cannot entertain on the principle that such an expansion in the original information request leads to putting this commission in a never-ending process which hampers proceedings on the other appeals. However, the Appellant has the right to file another information request to the public body.

**E. Order**

12. The Appeal is disposed of.
13. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: September 9, 2022

This order consists of 2 (two) pages, each page has been read and signed.