



In the Pakistan Information Commission, Islamabad
Appeal No 2019-06/22

Saddia Mazhar (Appellant)
Islamabad Police (Respondent)
Vs.

ORDER
Date: October 10, 2022
Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Saddia Mazhar dated June 22, 2022, stating that she submitted an information request dated June 4, 2022 under the Right of Access to Information Act 2017 to the Inspector General of Police, Islamabad Police. The Respondent public body has not responded to her information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as under:
- “ How many cases of the following crimes have been reported since January 2019 till date? Year wise breakup.

<u>No.</u>	<u>Police Station</u>	<u>Crime</u>					
		<i>Child abuse</i>		<i>Child Sexually abuse</i>		<i>Murder after sexually abuse</i>	
		<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>

2. How many accused were arrested in these cases? And how many of them were later released on bail?
3. In how many of these cases the Police has presented challan in the court.
4. In how many of these cases, the accused are convicted?”

B. Proceedings

3. Through a notice dated July 01, 2022, sent to Superintendent of Police, Islamabad Police the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. The Respondent through a letter dated July 20, 2022 submitted its response which is as under:
“ In this connection, it is submitted that the subject matter doesn’t pertain to logistics (headquarters), Islamabad. The matter related to the operations Division, Islamabad.

It is therefore requested that the same (in original) may be sent to Office of the SSP Operations, Islamabad for further necessary action, please.”
5. This Commission on July 28, 2022 sent a notice to SSP Operations, Islamabad with directions to submit response at earliest or come for regular hearing before the Pakistan Information Commission on August 16, 2022.
6. The Respondent through a letter vide No. 680 dated August 18, 2022 submitted response. Which was shared with the appellant on August 25, 2022.
7. The appellant through an email dated August 29, 2022 submitted rejoinder to the response of the public body which is as under:
“This is with reference to information shared by the public body in above mentioned appeal. The information shared by the Islamabad Police is incomplete. Following information is not provided yet.
 2. *How many accused were arrested in these cases? And how many of them were later released on bail?*
 3. *In how many of these cases the Police has presented challan in the court.*
 4. *In how many of these cases, the accused are convicted?”*
8. Rejoinder submitted by the appellant was shared with the Respondent on August 31, 2022 with directions to respond to the queries of the Appellant within 10 working days.
9. The Respondent did not respond to the rejoinder of the appellant, therefore the appeal was fixed for hearing on October 04, 2022. No one appeared before the Commission to represent the Respondent during the hearing held on October 04, 2022 held in Pakistan Information Commission.

C. Discussion and Commission’s View on Relevant Issues

6. The commission has to decide:
 - Has the public body provided complete and relevant information to the appellant?

- Whether the remaining information falls within the ambit of the public record under the Right of Access to Information Act, 2017, hereafter referred to as Act.
7. The remaining information/documents requested by the Appellant in the instant appeal is public record under the Section 5(a) of the Act, which is as under:

“a) Description of the public body’s organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties that these are accessible subject to reasonable restrictions based on limited resources;”
 8. This Commission maintains that disclosure of this record will enable the citizen ~~have~~ conduct analysis of the performance of the police for the conviction of the accused. ~~d. &~~ Furthermore it It will also improve the check and balance on the performance of the Islamabad Police.
 9. This Commission maintains that by practicing Right to Information laws, ~~the citizens~~ will ~~able to~~ make the public bodies accountable for their performance.
 10. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.
 12. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies demonstrates that the public bodies are not ensuring the implementation of the Act, 2017.
 13. 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

14. Appeal is allowed. Inspector General of Police, Islamabad Police is directed to provide remaining information mentioned in para 7 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
15. The Respondent is also 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 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.

16. Copies of this order be sent to Inspector General of Police, Islamabad Police and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 10, 2022

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