

Pakistan Information Commission

Government of Pakistan

Order

Date: February 21, 2023

Appeal No: 2298-10/22

Farooq-e-Azam

Vs

Pakistan International Airline

Appellant present in person.

Mr. Mian Nasir Mir, Manager (Legal), Pakistan International Airline, present of behalf of respondent.

The representative of the respondent public body has furnished written reply. The appellant has requested the following information,

- a) A Copy of enquiry report which was held against me under show cause notice no. CDU-12-2021-003 DATED 06/12/2021.
- b) Copy of statement of all witness including cross examination in the aforementioned inquiry.
- c) Copy of all documents / reports produced in the above mention inquiry.

In the written reply, the respondent public body has raised objection that as per Section 6 of the Right of Access to Information Act, 2017, the record of inquiry is not public record hence cannot be provided. Moreover, it is submitted that according to Section 7 of the Act, nothing contained in Section 6 shall apply to;

- a) Noting on the files subject to a final decision by public body
- b) Minutes of meetings subject to a final decision by the public body.
- c) Any intermediary opinion or recommendation, subject to a final decision by the public body.

In addition to that it is submitted that the Commission under Section 20 of the Right of Access to Information Act, 2017, can order for provision of the information/ document, which is declared as public record under section 6 of the act.

In view of the above said submission, it was submitted that the requested information cannot be provided to the appellant.

We have considered the arguments addressed by the Legal Manager of Respondent and perused the record as well as relevant provisions of the Right of Access to Information Act, 2017.

Under Section 5 of the Act, the Public Information Officer of each public body shall within six months of the commencement of the Act ensure, certain categories of information and record to be duly published including uploading over the internet or in a manner which best ensures that these are accessible subject to reasonable restrictions based on limited resources;

Under section 5 (i) of Act, Reports including performance reports, audit reports, evaluation reports, inquiry or investigation reports and other reports that have been finalized are to be published.

During arguments, learned Legal Manager of the Respondent admitted that the inquiry in question has been finalized.

So, the said documents are not privileged or exempted from provision of the same to the appellant. Therefore, the appeal is allowed; the Respondent public body is directed to provide complete requested information to Appellant with intimation to this Commission within 10 days of the order.

Copies of the Order be sent to the Appellant and Respondent.

Shoaib Ahmed Siddiqui
Chief Information Commissioner

Ijaz Hassan Awan
Information Commissioner