



No. RTIC/AR/1-137/17

Dated: 26th February, 2018

ORDER

Brief fact of the case are that office of the Deputy Secretary/PIO, Population Welfare department received a request from Mr. **Pervez Khan** in 2014 for providing him certain information under the Right to Information Act, 2013. That some information was provided to him and case was closed. On his request that the information provided was incomplete and unattested. The public body was, therefore, directed to provide him complete information. In this respect several letters were also issued by RTIC to the public body but to no avail.

In order to thrash out the matter relating to the provision of demanded information to the complainant, the Commission deputed a team to inspect the public body on **22/05/2017**. The inspection team had a detailed meeting with the PIO in the presence of Secretary PWD (Head of the public body). During the meeting it was agreed by the complainant and the public body to reduce the information request to 11 specific categories of information. This was also recorded in the minutes (copy attached). The PIO, as well as the Head of public body also agreed to provide the information to the complainant by **15th June, 2017**. The public body however did not honor their commitment and persistently delayed provision of information to the complainant on one pretext or the other. The public body also ignored the direction issued during the proceedings of this Commission dated: **12th October, 2017**.

Thereafter a showcause notice was served upon PIO on **21/12/2017**.

In Pursuance of showcause notice issued on 21/12/2017 reply submitted by SOG on **02/01/2018** diary No. 10 a meeting on the direction of Chief Commissioner RTIC convened on 11/01/2018 to afford chance of personal hearing to both parties, the Official of the public Welfare department KPK and complaint attended the meeting, several issues were discussed in the meeting. No new issue raised by the department.

The situation is the same which was at the time of inspection by RTI team and in the light of inspection note public body committed to provide relevant information pointed out at time of inspection. To deviate the direction by RTIC is agonist the spirit of Law.

In fact the complainant also violated section 10 subsection 2(a) of RTI Act, 2013 as well as section 13 Subsection 2 by not de[positing the requisite fee amounting Rs. **14000/-**

The restriction imposed by section 10 subsection 2(a) of the RTI Act, 2013 is crucial to the provision of information and principal of estoppel is attracted to the case of complainant by not depositing requisite fee.

In such situation until the default is clear by depositing requisite fee no further information can be provided to the complainant. The estimated cost of further Infomation is not yet calculated.

So far as obligation of PIO is concerned already bulk of information worth Rs. **14000** have been provided as per their version and record on file, however, the remaining information delayed and not provided which entail penal provision under the Law. Hence it is decided by RTIC that a fine of Rs. **7000** be imposed upon PIO as token of penalty for avoiding lawful direction of RTIC by not providing information. The amount be deposited in A/C **C03841**.



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: +92-91-9212643
Fax: +92-91-9211163

Providing information is not independent Act, it is subject to restriction imposed by law under section 10 subsection 2(a) of the RTI Act, 2013. Therefore it is concluded that providing information is reciprocal to depositing requisite fee. Now it is up to complainant to deposit the requisite fee and get remaining information.
With these information the case stands disposed off.

Information Commissioner-I

Information Commissioner -II

Chief Information Commissioner