

**BEFORE THE HONOURABLE PAKISTAN COMMISSION ON  
ACCESS TO INFORMATION**

**Appeal No. \_\_\_\_\_/2019**

Syed Muhammad Amin Gilani, s/o [REDACTED], r/o 59-A, [REDACTED]  
[REDACTED]

*...Appellant*

**Versus**

1. **Department of Stationery and Forms** through its Deputy Controller, Office of the Deputy Controller, Stationery & Forms, University Road, Karachi, Pakistan.
2. **Department of Stationery and Forms** through its Assistant Controller (Publication), Muhammad Akram Mast, Office of the Deputy Controller, Stationery & Forms, University Road, Karachi, Pakistan.

*...Respondents*

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**APPEAL UNDER SECTION 17(1) OF THE RIGHT OF ACCESS TO  
INFORMATION ACT, 2017, READ WITH ARTICLE 19A OF  
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN**

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*Respectfully Sheweth,*

1. That the titles and addresses of the parties in the title of this Appeal are sufficient for the purposes of service of summons on the Parties.
2. That the **Appellant**, namely Syed Muhammad Amin Gilani, is a private citizen of Pakistan. He is a software developer, entrepreneur and computer programmer who also authors technical content, contributes to open source projects, has founded and led companies in Pakistan and raised venture capital in Silicon Valley.
3. That, on 23.10.2019, the **Appellant** wrote to the Respondent No. 1 *via* post, and requested certain information, which information falls within the ambit of record under the *Act of 2017*. As per Section 11 of the Act of 2011, this amounted to a formal request under the law. A copy of this request is annexed herewith as **Annexure A**.
4. That the request prayed for the provision of “*all published copies of the Gazette of Pakistan in possession of the Department of Stationary & Forms*”. This information is of public importance because it concerns published notifications, rules, regulations, and laws of the Islamic Republic of Pakistan and notwithstanding the fact that under the law, no reason for seeking information need be provided, and the **Appellant**, as a citizen of Pakistan, is entitled to this information as it concerns his, and every Pakistani’s, very way of life. It is also not the case that the information in question falls in any category excluded by the *Act of 2017* law from this process.
5. That the request specifically requested that Respondent No. 1 “[p]lease ensure that the records ... [w]here possible, are delivered in a digital format to save time and delivery costs”

6. That the request quoted Section 14 of the *Act of 2017*, politely informing Respondent No. 1 that ‘*this letter [the request] is sufficient for a request under the Right of Access to Information Act, 2017 and, therefore, your [Respondent No. 1's] organization is required to respond to a request as soon as possible and in any case within ten working days of receipt of the request.*’”
7. That the request was delivered on 24.10.2019 and received by “RAZI” at the offices of Respondent No. 1. A copy of the registered receipt and proof of delivery is annexed herewith as **Annexure B**.
8. That the Respondent No. 1 was legally required to intimate to the **Appellant** the receipt of the request, and to process with the same within ten working days as per the provisions of the *Act of 2017*, as well as any regulations laid by this Honourable Information Commission in the exercise of its powers under the provisions of the same *Act of 2017*.
9. That the response of the Respondent No. 2 was dated 11.11.2019, which is twelve (12) working days from the date of receipt of the request, and a full two (2) working days over the prescribed time limit in Section 14 of the *Act of 2017*. Furthermore, it was perfunctory, inadequate and wholly illegal; being *ultra vires* Article 19A of the **Constitution** as well as the *Act of 2017*. The copies of the said reply are attached herewith as **Annexure C**. It is submitted for the abundance of clarity that following the said response, no further communication has been forthcoming from the Respondent No. 2, which amounts to a further breach of the *Act of 2017*. The **Appellant** has been provided a statutory remedy against such non-compliance by Governmental Agencies by virtue of Section 17 of the *Act of 2017*, in the shape of an Appeal to this Honourable Information Commission.

10. That, consequently, the **Appellant**, in accordance with Section 17 of the *Act of 2017*, has filed this Appeal to this **Pakistan Commission on Access to Information** established in accordance with Section 18 of the *Act of 2017*, against Respondent No. 2 for failure to perform its statutory duty under the *Act of 2017*.

11. That the instant Appeal is based on, *inter alia*, Article 19-A to Part II - Chapter 1 (Fundamental Rights). Article 19-A is reproduced below:

*“Right to information:*

*Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.”*

12. That, additionally, the case of the **Appellant** is governed by Article 8, which stipulates that “*Laws inconsistent with or in derogation of fundamental rights [are] to be void*” and the right of the **Appellant** under Article 4 “*to be dealt with in accordance with law, etc.*”.

13. That the **Appellant** also wishes to place specific reliance on ***The Right of Access to Information Act, 2017***. The Preamble of which states that:

**“WHEREAS** Government believes in transparency and the right to have access to information to ensure that the people of the Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purposes 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;

**AND WHEREAS** it is expedient to provide for a law which gives effect to the fundamental right of access to information, as guaranteed under Article 19A of the Constitution of the Islamic Republic of Pakistan and international law, whereby everyone shall have the right to have access to all information held by public bodies subject only to reasonable restrictions imposed by law, and for matters connected therewith or incidental thereto;” the ***Access to Information Act, 2017*** is being enacted.

14. That for the purposes of the instant Appeal, certain provisions of the *Act of 2017* are particularly relevant and therefore the same are being reproduced herein-under for ease of reference:

## **Section 2.**

### ***Definitions***

...

(ii) "applicant" means a citizen of Pakistan, as defined in law, who lodges a request or any person who is acting for or on behalf of such a person;

...

(iv) "Information Commission" means the **Pakistan Commission on Access to Information** established in accordance with section 18

(v) "information" means information based on record;

...

(ix) "public body" means—

(a) any Ministry, Division, attached department or subordinate office, including autonomous bodies of the Federal Government;

(b) any Federal and any municipal or local authority set up or established by or under any Federal law;

(c) the National Assembly and the Senate including their secretariats committees and members;

(d) any statutory corporation or other body corporate or institution set up or established or owned or controlled or funded by the Federal Government

(e) any court, tribunal, commission or board under the Federal law;

(f) any incorporated or unincorporated body of the Federal Government functioning under the control or authority of another public body or wherein one or more public bodies own or have controlling interest or provide substantial funding;

(g) any other organisation which undertakes a public function to the extent of that function; and

(h) a non-governmental organisation which directly or indirectly receives or has received public funds, subsidy, tax exemption, piece of land or any other benefit involving public funds and any other non-governmental organisation or body registered under any law for the time being in force;

...

## **Section 3.**

### ***Right to have access to information not to be denied -***

(1) Subject to the provisions of this Act, no applicant shall be denied access to information or record held by a public body.

(2) This Act shall be interpreted so as to advance its purposes as set out in the preamble and to—

(a) promote the right of access to information; and

- (b) facilitate and encourage promptly the disclosure of the information at the lowest and reasonable cost.

## **Section 6.**

### ***Declaration of public record –***

*Subject to the provisions of section 7, the following record of all public bodies is hereby declared to be the public record, namely:*

- (a) policies and guidelines
- (b) transactions involving acquisition and disposal of property and expenditure undertaken by a public body in the performance of its duties and functions;
- (c) information regarding grant of licences, allotments and other benefits, privileges, contracts and agreements made by a public body
- (d) final orders and decisions, including decisions relating to members of public; and

...

## **Section 11.**

### ***Requests –***

- (1) *Subject to the provisions of this Act and the rules made there under a citizen of the Islamic Republic of Pakistan may make a request to a public body through the designated official.*
- (2) *A request under sub-section (1) shall be in writing and made in any manner in which the public body has the facilities to receive it, including in person, by mail, fax, online or e-mail.*
- (3) *Any written request which identifies the information or record sought in sufficient detail to enable the public body to locate it, and which includes a complete address and contact details for delivery of the information or record, shall be treated as a request.*
- (4) *Subject to sub-section (3), a public body may provide a prescribed form for making requests.*
- (5) *In no case shall an applicant be required to provide reasons for his request.*

## **Section 13.**

### ***Procedure for acceptance and refusal of requests –***

- (1) *The designated official shall provide a written acknowledgement in response to a request.*
- (2) *The designated official shall process the request and by notice in writing inform the applicant that-*
  - (a) *the request has been acknowledged and the applicant is entitled to receive the information or record, subject to the payment of prescribed fee. On payment of the fee the designated official shall provide the requested record; or*

- (b) the request has been rejected-
- (i) on the basis that it does not comply with the provisions of this Act and the rules made thereunder but only after requisite assistance has been offered to the applicant as mentioned in sub-section (2) of section 10;
  - (ii) on the basis that the information is already available in a generally accessible form in which case the notice shall indicate to the applicant the place from where the information may be found;
  - (iii) on the basis that it is incorrect, because it relates to information which is substantially the same information that has already been provided to the same applicant during last six months; or
  - (iv) in whole or in part, on the basis that the information is exempt subject to section 7(f), in which case the notice shall specify the exact exception relied upon and specifying details regarding the right of the applicant to appeal against this decision.
- (3) Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is correct or, as the case may be, the copy is a true copy of the original record and such certificate shall be dated and signed by the designated official.
- (4) Where the designated official refuses a request, he shall, before informing the applicant of such refusal, obtain written approval of the principal officer of the public body.

## **Section 14.**

### **Time limit for responding –**

- (1) Subject to the provisions of this Act, a public body shall be required to respond to a request as soon as possible and in any case within ten working days of receipt of the request.
- (2) The period stipulated in sub-section (1) may be extended by maximum of further ten working days where it is necessary when the request requires a search through a large number of records or records located in different offices or consultation is required with third parties or other public bodies.
- (3) Information needed to protect the life and liberty of any individual shall be provided within three working days.

## **Section 15.**

### **Fee for requests –**

Prescribed fee may be charged for the cost of reproducing information and sending it to the applicant

## **Section 17.**

### **Appeal –**

- (1) An applicant who is not satisfied by decision of the designated official or anywhere no decision has been communicated to him within the time fixed for such decision, he may, within a period not exceeding thirty days after either receiving a decision or after the time-limit for such a decision has passed, prefer an appeal to the Information Commission.
- (2) An appeal under sub-section (1) shall be free of charge
- (3) The information Commission established under section 18 shall decide an appeal under sub-section (1) within a period of sixty days.
- (4) The public body shall, in an appeal under sub-section (1), bear the burden of proof of showing that it acted in accordance with the provisions of this

## **Section 25.**

### **Act to override other laws –**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

## **Section 27.**

### **Power to make regulations –**

The Information Commission may make regulations, not inconsistent with the provisions of the rules made under section 26, regarding its internal procedures and, without limiting the generality of the foregoing, it may make regulations regarding—

- (a) record management standards; and
- (b) fee that may be charged for requests; and
- (c) procedure for processing of appeals.

15. That in an exercise of the powers conferred upon this Honorable Information Commission, a schedule of costs was notified, an official press-release issued by the Press Information Department of the Federal Government on 27.08.2019 is reproduced herein-under:

*Federal public bodies are now legally bound to provide free of cost first ten pages of the information requested under the Right of Access to Information Act 2017 and only rupees two per page will be charged for every extra page by a public body. Federal public bodies will now only charge actual cost of cd, diskette, floppy, cassette, video or any other electronic device as determined on the basis of official procurement record. Pakistan Information Commission has notified Schedule of costs in exercise of the powers*

*conferred by Section 27 (b) of the Right of Access to Information Act 2017 (XXXIV of 2017). This Schedule of costs will be applicable to all Federal Ministries, attached Departments, Divisions, Autonomous bodies, statutory bodies established under any Federal Law, Courts, Commissions, Tribunals, National Assembly, Senate of Pakistan, Prime Minister Office and any board, Commission, Council or other body substantially financed by the Government. This Schedule of costs will also be applicable to special institutions, companies of the Government and NGOs that are substantially financed by the Government. In a statement issued by Chief Information Commissioner, citizens will be no longer required to first deposit fee for filing Information under the Schedule of Cost notified by the Commission. Previously, citizens were required to deposit Rs.50 at the time of submitting an information request to a Federal Public body under Freedom of Information Rules 2004 which was great hinderance in the exercise of the right of access to information in matters of public importance as guaranteed by Article 19-A of the Constitution of Islamic Republic of Pakistan.*

16. In light of the above-quoted regulations and provisions of law, the instant Appeal is based on, *inter alia*, the following:

## **GROUND**S

(I) That the **Appellant** has satisfied all the requirements of the *Act of 2017*, in respect of his request because he is (I) a citizen of Pakistan as required by Section 2(ii) of the *Act of 2017*, (II) the information he has requested falls within the definition of information as per Section 2 (v) of the *Act of 2017* as well as the definition of Public Record under Section 6 (a) and Section 6 (d) of the *Act of*

**2017**, (III) the Request by the **Appellant** was fully consonant with the requirements of Section 11 of the *Act of 2017*, (IV) the response of the Respondent No. 2 was in violation of Section 13 of the *Act of 2017*, (V) the response of the Respondent No. 2 was in violation of Section 15 of the *Act of 2017*, and (VI) the time limit under Section 14 of the *Act of 2017* for responding to the said Request has expired.

(II) That the Response of the Respondent No. 2 is clearly *ultra vires* the *Act of 2017*, as the record sought was not produced, Respondent No. 2 has requested a sum of money beyond the prescribed fee notified by this Honourable Information Commission, and as Respondent No. 2 has requested that the **Appellant** “*ascertain your [the Appellant’s] requisite Gazettes*”, knowing full well that the **Appellant** had, in the initial request, described the information requested in sufficient detail to enable Respondent No. 2 to locate it.

(III) That the **Appellant** has a right to be treated in accordance with the law as per Article 4 of the Constitution of Pakistan. The Respondent No. 2 is an attached department of the Cabinet Division, established as a Service Department, as defined under Article 59-A of Accounts Code Volume I. Its functions are printing, stocking and distribution of civil standard forms, as well as stocking and sale of official publications and gazettes and as such it is fully covered by the provisions of the *Act of 2017*. The **Appellant** made a request to the Respondent No. 2 in a manner prescribed under the law and this communication was not dealt with in accordance with law. The failure by the Respondent No. 2 to engage with the **Appellant** was therefore unlawful, being *ultra vires* the duties imposed by the *Act of 2017* as well as the Constitution of the Islamic Republic of Pakistan under, *inter alia*, Article 4 and Article 19-A.

( IV ) That the *Act of 2017* was passed to translate the fundamental right of freedom of access to information into a meaningful and practical exercise. The aims of the law and the aspirations behind its promulgation have been defeated by the failure to implement its provisions, whereas it is a settled principle of jurisprudence that Constitutional rights and benefits conferred on citizens through legislation cannot be allowed to be defeated by inaction of the agents tasked with implementation of the law. It is trite law that Government Agencies and public bodies are duty-bound to implement the provisions of the Constitution as well as all other applicable statutes and laws.

( V ) That on the facts of the instant Appeal, the legal right of the **Appellant** has been rendered nugatory by the failure of the Respondent No. 2 to comply with the request of the **Appellant** which failure is unreasonable, unlawful and *ultra vires* both the *Act of 2017* and the Constitution of the Islamic Republic of Pakistan under, *inter alia*, Article 4 and Article 19-A. As such, he is entitled to a redressal of his Grievance and a vindication of his rights.

## PRAYER

In light of all of the foregoing, it is humbly submitted that the failure of the Respondent No. 2 to deal with the request by the **Appellant** as per the *Act of 2017* is an act of obstruction that is without lawful authority, *ultra vires* and hence illegal. The same is therefore also arbitrary, capricious and completely unjustifiable in terms of *The Right of Access to Information Act, 2017*. Therefore, it is humbly prayed that this Honourable Information Commission may graciously direct the Respondent No. 2 to provide the information sought by the **Appellant** without further delay, “*delivered in a digital format*”—as specified in the initial request, and in accordance with *The Right of Access to Information Act, 2017*.

It is also humbly prayed that this Honourable Information Commission may also kindly grant such other relief as it deems fit in the circumstances of the instant Appeal.

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**Appellant**

**Dated: 03.12.2019**

## Annexure A

### Request Page 1

Syed Muhammad Amin Gilani



23 October, 2019

Public Information Officer / Designated Officer for Information Requests; or  
Managing Director / Head of;  
*Office of the Deputy Controller*  
*Stationery & Forms*  
University Road,  
Karachi  
9203375, 99202171

LTR/RTI/FED/9427-0

SUBJECT: REQUEST UNDER RIGHT OF ACCESS TO INFORMATION ACT,  
2017 TO PROVIDE RECORDS OF THE GAZETTE OF PAKISTAN

Dear Designated Officer or Head of Stationary & Forms

I hope this letter finds you in the best of circumstances.

As a concerned citizen of Pakistan, under the rights granted to me by Article 19-A of the Constitution of Pakistan<sup>1</sup> and the Right of Access to Information Act, 2017<sup>2</sup>, I'd like to request: a copy of all published copies of the Gazette of Pakistan in possession of the Department of Stationery & Forms.

Please ensure that the records:

- Include all published issues in recorded history up to the present date;
- Include every issue within the department's stewardship, regardless of which office they are in; and
- Where possible, are delivered in a digital format to save time and delivery costs

<sup>1</sup> <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>2</sup> [http://www.na.gov.pk/uploads/documents/1506960942\\_594.pdf](http://www.na.gov.pk/uploads/documents/1506960942_594.pdf)

## **Annexure A**

### Request Page 2

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Please note that this letter is sufficient for a request under the Right of Access to Information Act, 2017 and, therefore, your organization is “*required to respond to a request as soon as possible and in any case within ten working days of receipt of the request.*” This requirement has also been reaffirmed per the precedence set by the Honorable Lahore High Court in its response to Writ Petition 222681/2018 (*Syed Muhammad Amin Gilani vs. Federation of Pakistan*).

You may send me a reply in writing to my address above, or preferably via email to [amin@gilani.me](mailto:amin@gilani.me). I am also available for any clarifications to this request that you may require.

Sincerely,

Syed Muhammad Amin Gilani

## Annexure B

### Registered Receipt with Tracking Number

 <p><b>TCS</b> WE MOVE YOU</p>	<b>Shipper's A/c. No.</b>  <b>Reference / Job</b>  <b>From (Shipper)</b>  <b>SYED MUHAMMAD AMIN GILLANI</b>  <b>Phone#</b> <b>SMS</b>  <b>Email</b>  <b>To (Consignee)</b>  <b>PESIGNATED PUBLIC INFORMATION OFFICER HEAD OF OFFICE OF THE DEPUTY CONTROLLER STATIONARY AND FORMS UNI RD KHI</b>  <b>Phone#</b> <b>00219203375</b>  <b>Sender's Authorization</b> <small>I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any letter. The execution of this consignment note is prima facie evidence of the conclusion of contract between shipper and TCS (PVT) LTD.</small>  <b>Shipper's Signature</b>	<p>History ID 1118LHEX17215906114562</p> <p>40602360496</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right; padding-right: 5px;">GST No. 12-00-9808-002-73</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 5px;"><b>COURIER</b></td> </tr> <tr> <td style="width: 50%; text-align: center;">Origin</td> <td style="width: 50%; text-align: center;">Destination</td> </tr> <tr> <td style="text-align: center;">LHE</td> <td style="text-align: center;">KHI</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 5px;">Pieces      Weight</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0.50</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 5px;">Dimension of Shipment</td> </tr> <tr> <td style="text-align: center;">0    0    0</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 5px;">Service Type</td> </tr> <tr> <td style="text-align: center;">OVERNIGHT</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 5px;">Mode of Payment</td> </tr> <tr> <td style="text-align: center;">CASH</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 5px;">Charges      Pak. Rupees</td> </tr> <tr> <td style="text-align: center;">Service</td> <td style="text-align: center;">241.00</td> </tr> <tr> <td style="text-align: center;">Discount</td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="text-align: center;">Out of Serv</td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="text-align: center;">Handling</td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="text-align: center;">Others</td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="text-align: center;">GST</td> <td style="text-align: center;">39.00</td> </tr> <tr> <td style="text-align: center;">Ins.Chg</td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="text-align: center;">Partner Amt.</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;">Partner Com</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;"><b>Total</b></td> <td style="text-align: center;"><b>280</b></td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;"><b>Shipper Copy</b></td> </tr> </table>	GST No. 12-00-9808-002-73		<b>COURIER</b>		Origin	Destination	LHE	KHI	Pieces      Weight		1	0.50	Dimension of Shipment		0    0    0	Service Type		OVERNIGHT	Mode of Payment		CASH	Charges      Pak. Rupees		Service	241.00	Discount	0.00	Out of Serv	0.00	Handling	0.00	Others	0.00	GST	39.00	Ins.Chg	0.00	Partner Amt.	0	Partner Com	0	<b>Total</b>	<b>280</b>	<b>Shipper Copy</b>	
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TCS (Private) Limited | 101-104, Civil Aviation Club Road, Karachi - 75202, Pakistan.

Tel: + 92 (21) 111 123 456, Web: www.tcsexpress.com

خطوط ائمہ، زیرات اور بیت الحرام قبول نہیں ہیں۔

LHEX17215906114562

## Annexure B

### Proof of Delivery (Screenshot of Online Tracking Result)

The screenshot shows the TCS website interface. At the top, there are links for "UK | UAE" and "Pakistan: + 92 21 111 123 456 | UAE: + 971 600565651 | UK: +(44) 208 8495600". The TCS logo is on the left, and navigation links for "ABOUT", "TRACKING", "SHIPPING", and "SERVICES" are on the right. Below the header is a photograph of four TCS employees in uniform handling packages in a warehouse. A "First Aid" box is visible in the background.

In the center, there's a search bar with the placeholder "Enter any combination of TCS tracking Reference number (one per line)." Below it is a red "Track" button. A section titled "Tracking Result(s)" displays the tracking number "40602360496". Under "Shipment Details", it lists: Agent Reference Number : NA, Origin : LAHORE, Destination : KARACHI, Booking Date : 23-OCT-19 12:53, Shipper : SYED MUHAMMAD AMIN G, Consignee : PESIGNATED PUBLIC. The "Shipment Tracking Summary" section shows the current status as "DELIVERED", delivered on 24-OCT-19 15:43, and signed by RAZI. The "Track History" table shows two entries:

Date	Time	Status	Location
24-OCT-19	15:43	DELIVERED. Signed by RAZI	KARACHI, PAK
24-OCT-19	15:28	Courier out for delivery	KARACHI, PAK

#### ABOUT

VISION & CORE VALUES  
MILESTONES  
LEADERSHIP

#### PORTFOLIO COMPANIES

SENTIMENTS  
OCTARA  
STUDIO BY TCS

#### SERVICES & SOLUTIONS

DOMESTIC DELIVERY  
WAREHOUSE & DISTRIBUTION  
MAIL MANAGEMENT SYSTEM  
INTERNATIONAL DELIVERY  
TCS COOL CONTROL  
TCS TRAVEL AND VISA  
TCS CARGO

#### MEDIA

PUBLICATIONS  
CASE STUDIES

**SIGNUP FOR  
UPDATES**

#### CONTACT US



#### FAQs

## Annexure C

### Response

U.M.S

GOVERNMENT OF PAKISTAN  
OFFICE OF THE DEPUTY CONTROLLER  
STATIONERY AND FORMS  
UNIVERSITY ROAD, KARACHI

F.NO.G.1/Corr/16-17 (G) Part-1

Dated: 11-11-2019

To,

Syed Muhamad Amin Gilani,  

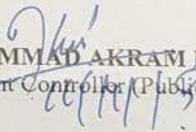

Subject:- REQUEST FOR SUPPLY OF GAZETTE OF PAKISTAN.

Dear Sir,

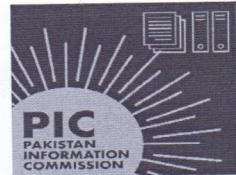
Reference your letter dated 23 October, 2019, on the subject cited above.

In this regard it is informed to you that The Department of Stationery and forms is responsible for sale/supply of the Gazette of Pakistan to the subscribers on payment of annual subscription fee and to the General Public on payment of face value of each Gazette. You can obtain your required Gazette of Pakistan, available with this Department, on payment of face value of each for the past period and on advance payment annual subscription fee of Rs.9400/- for the future as per your requirement.

It is requested to ascertain your requisite Gazettes, enabling this office to furnish you a bill thereof, required Gazette will be supplied as soon as the payment of the same received.

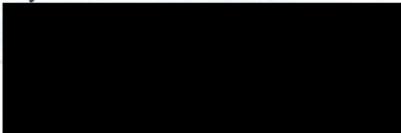
  
(MUHAMMAD AKRAM MAST)  
Assistant Controller (Publication)

**Pakistan Information Commission  
Information Service Academy  
Zero Point, Islamabad**



Date: December 10-12-2019

Ref No: Appeal-195-12/2019

Syed Muhammad Amin Gilani,  


**Subject: Acknowledgement of the Appeal**

Your appeal number mentioned above against Department of Stationary and Forms, University Road, Karachi has been received and it is under process. Please cite this appeal number in future correspondence.

(Zahid Abdullah)  
Information Commissioner

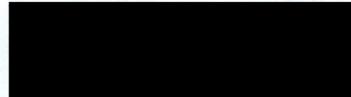
**Pakistan Information Commission  
Information Service Academy  
Zero Point, Islamabad**



Date: December 19, 2019

Ref No: Appeal-195-12/19

**Syed Muhammad Amin Gilani**

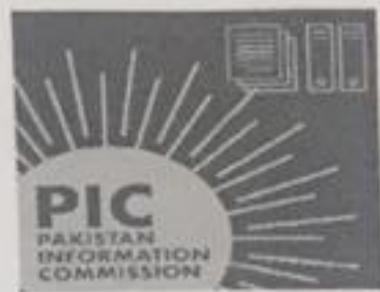


Dear Appellant,

Enclosed find hearing notice sent to the Department of Stationery and Forms against your appeal. It is not obligatory for an Appellant to attend the hearing. However, if you so desire, you can attend the hearing yourself and/or can authorize a person to attend the hearing on your behalf.

Zahid Abdullah  
Information Commissioner

**Pakistan Information Commission  
Information Service Academy  
Zero Point, Islamabad**



**Hearing Notice**

Date: December 19, 2019

Ref No: Appeal-195-12/19

Muhammad Akram Mast  
Assistant Controller (Publication)  
Office of the Deputy Controller  
Department of Stationery and Forms  
University Road  
Karachi

Syed Muhammad Amin Gilani

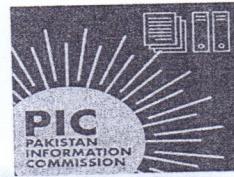
Vs.  
Department of Stationery and Forms

Take notice that the above cited appeal is fixed for regular hearing before the Pakistan Information Commission on January 22, 2020 at 11:30 AM at the above-mentioned address.

Find enclosed Schedule of Costs notified by Pakistan Information Commission and copy of the Right of Access to Information Act 2017 for ready reference. You are directed to submit written reply before the date of hearing. Note: The case record in the above cited appeal, if any, be produced before the Information Commission at the time of hearing.

Zahid Abdullah  
Information Commissioner

Pakistan Information Commission  
Information Service Academy  
Zero Point, Islamabad



Appeal No 195-12/19

Syed Muhammad Amin Gilani (Appellant)

Vs.

Department of Stationery and Forms (Respondent)

**ORDER**

February 25, 2020

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal with the commission on 03/12/19 in which he stated that he had requested information from the Department of Stationery and Forms under the Right of Access to Information Act, 2017.
2. The information sought by the Complainant, through application dated 23/10/19 Director General, Department of Stationery and Forms is as under:

*"I'd like to request: a copy of all published copies of the Gazette of Pakistan in possession of the Department of Stationery & Forms.*

*Please ensure that the records:*

- *Include all published issues in recorded history up to the present date;*
- *Include every issue within the department's stewardship, regardless of which office they are in; and*
- *Where possible, are delivered in a digital format to save time and delivery costs*

*1: [www.pakistani.org/pakistan/constitution/part2.ch1.html](http://www.pakistani.org/pakistan/constitution/part2.ch1.html)*

*2: [http://www.na.gov.pk/uploads/documents/1506960942\\_594.pdf](http://www.na.gov.pk/uploads/documents/1506960942_594.pdf)*

*Please note that this letter is sufficient for a request under the Right of Access to Information Act, 2017 and, therefore, your organization is "required to respond to a request as soon as possible and in any case within ten working days of receipt of the request." This requirement has also been reaffirmed per the precedence set by the Honorable Lahore High Court in its response to Writ Petition 222681/2018 (Syed Muhammad Amin Gilani vs. Federation of Pakistan).*

You may send me a reply in writing to my address above, or preferably via email to  
amin@gilani.me"

3. On 11/11/19, the Department of Stationery and Forms responded to the request for information of the Appellant through a letter issued from the Office of Controller which is as under:

"Reference your letter dated 23 October, 2019, on the subject cited above. In this regard it is informed to you that The Department of Stationery and forms is responsible for sale/supply of the Gazette of Pakistan to the subscribers on payment of annual subscription fee and to the General Public on payment of face value of each Gazette. You can obtain your required Gazette of Pakistan, available with this Department, on payment of face value of each for the past period and on advance payment annual subscription fee of Rs.9400/- for the future as per your requirement.

It is requested to ascertain your requisite Gazettes, enabling this office to furnish you a bill thereof, required Gazettes will be supplied as soon as the payment of the same received".

### B. Proceedings

4. The hearing date was fixed for 22/01/2020 through the hearing notice sent on 19/12/19 and both parties were informed accordingly.

5. The hearing notice of the commission sent to Muhammad Akram Mast, Assistant Controller (Publication), Office of the Deputy Controller, Department of Stationery and Forms, is as under:

*"Find enclosed Schedule of Costs notified by Pakistan Information Commission and copy of the Right of Access to Information Act 2017 for ready reference. You are directed to submit written reply before the date of hearing."*

*Note: The case record in the above cited appeal, if any, be produced before the Information Commission at the time of hearing"*

6. No one appeared on behalf of the Respondent at the time of hearing nor any written response was submitted by the Respondent.

### C. Discussion and Commission's View on Relevant Issues

7. The questions for the consideration of the commission are as under:

(a) Can a public body charge its proscribed fee for providing requested information declared to be public information the Right of Access to Information Act 2017 in the presence of Schedule of Costs notified by the commission?

(b) Is the public body obligated to provide requested information to a citizen in the preferred mode of receiving the requested information?

**8.** A Gazette contains notifications which are public documents under Section 5 (b)<sup>1</sup> of the Act. Furthermore, under Section 8<sup>2</sup> of the Act, all federal public bodies were legally bound to computerize and make available online all public documents mentioned in Section 5 within 6 months of the commencement of the Act

**9.** Section 15<sup>3</sup> of the Act states that a public body can only charge prescribed fee for the cost of reproducing information and sending it to the applicant. Section 27 of the Act empowers the commission to make Regulations including prescribing fee to be charged for providing the requested information to the applicant under this Act. A public body can only charge fee mentioned in the ‘Schedule of Costs’ already issued by the commission under Section 27 (b) of the Act.

**10.** This commission is of the view that the cost of getting access to information should not deter citizens from exercising their right of access to information in matters of public importance. That is why elected representatives of the people of Islamic Republic of Pakistan inserted Section 3<sup>4</sup> in the Act to ensure that the citizens have prompt access to information at “the lowest and reasonable cost”.

**11.** This commission notes with concern that while Section 11 (2)<sup>5</sup> the Act facilitates applicant to file information requests in the manner of their choices, the federal public bodies have neither taken steps to receive information requests in different modes to facilitate citizens nor taken steps to provide them requested information promptly and in cost effective modes of their choices.

**12.** This commission has been entrusted with the solemn responsibility of advancing the purpose of this Act enunciated in the Preamble<sup>6</sup> of the Act and holds that objectives mentioned in the Preamble will only be achieved if the citizens have prompt and cost-effective access to information in matters of public importance.

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<sup>1</sup> Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect

1. <sup>2</sup> Computerization and Voluntary Disclosure of record--- Each public body shall Endeavour to ensure within the time prescribes in section 5 and that all record accessible under this Act is computerized and is available online so that authorized access to such public records is facilitated.

2. <sup>3</sup> Fee for requests-- Prescribed fee may be charged for the cost of the reproducing information and sending it to the applicant.

3. <sup>4</sup> Right to have access to information not be denied— (1) subject to the provisions of the Act, no applicant shall be denied access to information or record held by the public body

(2) This Act may be interpreted so as to advance its purposes as set out in the preamble and to—

a) Promote the right of access to information; and

Facilitate and encourage promptly the disclosure of the information at the lowest and reasonable cost.

<sup>5</sup> A request under sub-section (1) shall in writing and made in any manner in which the public body has the facilities to receive it, including in person, by email, fax, online or e-mail.

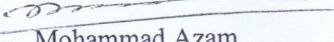
<sup>6</sup> Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of 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.

**13.** This commission holds that the Respondent is in possession of the requested information which it was legally bound to computerize and make accessible through online to the citizens of Pakistan. While the Respondent may provide Gazettes to the citizens who prefer printed book and through annual subscription, the Respondent should also make all Gazettes accessible through online.

**D. Order**

**14.** The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant through E-mail 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 publish all Gazettes online and submit the compliance report to the commission by 24/03/2020.

**15.** Copies of this order be 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:  
February 25, 2020

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