



In the Pakistan Information Commission, Islamabad

Appeal No 1046-05/21

Zahid Gishkori

(Appellant)

Vs.

Ministry of Federal Education and Professional Training

(Respondent)

ORDER

Date: January 05, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant through an email dated May 05, 2021 filed Appeal to the Commission, stating that he had submitted information requests to Secretary, Ministry of Federal Education and Professional Training 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) *“Can you update us on the status of implementation of Single National Curriculum?”*
 - 2) *What are the major stumbling blocks in the way of execution of this SNC?*
 - 3) *What is the status of proposal 2021 education policy? What is new in it as compared to previous education policy?*
 - 4) *What is latest status of teachers who are on deputations in Islamabad schools after IHC’s order?*
 - 5) *Can you provide a complete set of new SNC courses for our review?*
 - 6) *Can you provide copies of the last five education policies of the country?*
 - 7) *What is the status of devolution of basic education community schools to provinces and other areas?*
 - 8) *What will be the fate of these schools and teachers after June 2021 as there is no PC-in the pipeline to resolve this issue?*
 - 9) *Why did the Ministry and its allied departments not pursue five key corruption cases that refer to FIA and NAB in the past five years?”*

B. Proceedings

3. Through a notice dated May 21, 2021, sent to Public Information Officer / Deputy Secretary (Coord), Ministry of Federal Education and Professional Training 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 Appeal was fixed for hearing on July 13, 2021 and both parties were informed through notices sent on June 17, 2021. No one appeared on behalf of the respondent.
5. The Appeal was again fixed for hearing on August 17, 2021 and October 19, 2021 and both parties were informed through notices sent on July 17, 2021 and October 08, 2021 respectively. Again no one appeared on behalf of the respondent.
6. Through a notice dated October 11, 2021 sent to Public Information Officer / Deputy Secretary (Coord), Ministry of Federal Education and Professional Training the Respondent was directed to submit written reply and arguments to Pakistan Information Commission within 15 days, otherwise the appeal will be decided Ex-Parte in the light of the record available on file and the Right of Access to Information Act, 2017.
7. The Respondent was given another opportunity and the appeal was again fixed for hearing on December 14, 2021.
8. The Respondent neither attended the hearings nor submitted any written response in the instant appeal.

C. Discussion and Commission’s View on Relevant Issues

8. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as the “Act”.
9. In the instant appeal the public body is failed to acknowledge and respond to the information request of the appeal. Moreover, the public body also failed to the respond to the notices of commission and also did not attend the hearings held on July 13, 2021, August 17, 2021, October 19, 2021 and on December 14, 2021.
10. The public body on October 11, 2021 was also directed to submit written arguments to Pakistan Information Commission within 15 working days. The commission stated “If the written arguments are not submitted within 15 days, the appeal will be decided Ex-Parte in the light of the record available on file and the Right of Access to Information Act 2017”, but this Commission did not receive any response from the Respondent.
11. The information requested by the Appellant is public record under Section 5 (b) and (d) of the Act, which is as under
“5(b) statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect;”
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.

13. This commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
14. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act, the citizens have to approach the commission for information due to the the wilful delay or denial by the public which causes undue cost to citizens and the commission.
15. 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".
16. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

18. The appeal is allowed. The Public Information Officer / Deputy Secretary (Coord), Ministry of Federal Education and Professional Training is directed to provide the information requested in Para-2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
19. 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.
20. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.

22. Copies of this order be sent to the Secretary Ministry of Federal Education and Professional Training, Public Information Officer / Deputy Secretary (Coord), Ministry of Federal Education and Professional Training and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: January 05, 2022

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