

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1156-06/21

Muhammad Naeem

(Appellant)

Vs.

Ministry of Railways

(Respondent)

Order

Date: October 25, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated June 19, 2021, to the Commission, stating that he submitted an information request to Secretary/Chairman, Railways on June 03, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
 1. *How much land and other assets does railway own in Mardan and Peshawar.*
 2. *How much land is captured by land grabbers?*
 3. *Detail of land retrieved/vacated from land grabbers.*
 4. *How many FIRs are registered in this regards and how many cases are in the courts.*
 5. *How much of land is given on lease since 2008 to date and provide the rules and regulation under which railways allotted / leased commercial properties worth billions of rupees at throw away price.*
 6. *Details of third party evaluation of the land which has been leased to different persons.*
 7. *Detail of the actual time of lease which was enhanced 3 times in PPP government and provide the rules and regulation in this regard.*
 8. *Monetary details of land including rent etc.*
 9. *Details of legal and illegal crossing and Numbers of watchmen on railways crossings.*

B. Proceedings

3. Through a notice dated June 25, 2021 sent to the Director, (Admin), (Public Relations) / Public Information Officer, Ministry of Railways, the commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Appellant shared with the commission on September, 23, 2021 that he has not been provided the requested information.

5. On September 29, 2021, the commission sent a notice to the Respondent to submit its response within 15 working days but the Respondent did not submit any response.

C. Issues

6. The instant appeal has brought to the fore following issue:
What can be consequences for a PIO if the PIO unlawfully delays or denies access to information to be provided to a citizen under the Right of access to Information Act 2017, henceforth referred to as Act?

D. Commission's View on Relevant Issues

7. This commission is of the view that the disclosure of requested information about land and other assets owned by Pakistan Railways in Mardan and Peshawar, land captured by land grabbers, Detail of land retrieved, number of FIRs registered and number of cases on this issue in courts, land given on lease since 2008 to date and rules and regulation under which railways allotted / leased commercial properties, information/detail about third party evaluation of the land leased, Detail of the actual time of lease which was enhanced during PPP government and rules and regulations thereof, Monetary information about rent collected on the land, and Details of legal and illegal crossing and Numbers of watchmen on railways crossings is a matter of public importance.
8. The disclosure of requested information will reveal the way government property and assets are being managed by the public body and it would shed light on, inter alia, how these precious assets are being protected from the criminal elements.
9. This commission maintains that the disclosure of the requested information is not only in accordance with both the letter and the spirit of the right of Access to Information Act, 2017, but its disclosure will also help achieve the stated objectives of this Act which are as under:
 - Making government more accountable to citizens’;
 - Greater level of participation of citizens in the affairs of the government’;
 - ‘Reducing corruption and inefficiency’;
 - Promoting sound economic growth’; and
 - Promoting good governance and respect for human rights.
10. In the instant appeal, the PIO has violated different provisions of the Act. The PIO failed to acknowledge request for information of the citizen and did not respond to the notices of the commission.
11. It is responsibility of the PIO to provide the applicant the requested information if it can be disclosed under the Act. The PIO is required to seek written permission from the head of the public body in case the requested information is to be denied under the provisions of the Act. In the instant appeal, the PIO neither provided the requested information nor sought permission from the head of the public body to deny the requested information under provision of the Act.
12. If directions of this commission in this Order are not implemented within the time-framework mentioned in the Order, this commission will invoke Section 20 (f) of the Right of Access to Information Act 2017.
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 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".

E. Order

15. Appeal is allowed. Public Information Officer, Ministry of Railways is directed to provide the requested information in para 2 of this Order to the Appellant at the earliest but not later than 10 working days of the receipt of this Order, with intimation to this office.
16. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act 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 at the earliest but not later than 10 working days of the receipt of this Order.
17. 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.
18. Copies of this order be sent to Public Information Officer, Ministry of Railways and the Appellant for information and necessary action.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: October 25, 2021

This order consists of 3 (three) pages, each page has been read and signed