



In The Pakistan Information Commission, Islamabad

Appeal No 1189-07/21

Naeem Sadiq

(Appellant)

Vs.

National Commission on the Rights of Child

(Respondent)

Order

Date: September 07, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed appeal with this commission on July 05, 2021, stating that he Submitted information request dated June 12, 2021 under the Right of Access to Information Act 2017 to the Chairperson, National Commission on the Right of Child.
2. The Appellant requested following information:
 1. *Please provide copies of documents/records / reports / letters you sent to Federal or Provincial Government giving your recommendations for the working and improvement of child protection laws and practices that are either inadequate or are not effectively implemented to protect the children of Pakistan - as required by Section 15 (c) and Section 15 (d) of the NCRC Act 2017. (Kindly note that there are scores of existing laws and practices that are highly inadequate or ineffectively implemented.)*
 2. *Please give copies of documents/records/reports/letters you sent to Federal or Provincial Government recommending remedial measures for all factors that inhibit enjoyment of rights of child, such as violence, abuse and exploitation, trafficking, torture, pornography and prostitution as required by Section 15 (f) of NCRC Act 2017.*
 3. *Please provide a website link or paper copies of the nation-wide data base that you maintain relating to children and their issues, (so that you could provide knowledge and awareness for national policy and strategic action for its remedy) as required by Section 15(g) of the NCRC Act 2017.*
 4. *Please give copies of documents/records / reports / letters you sent to Federal or Provincial Government about the review of existing policies and programs on child rights and any recommendations you made for their effective implementation in the best interest of children, as required by Section 15 (i) of the NCRC Act 2017.*

5. *Please provide a link or copy of the annual report prepared by NCRC for Federal Government on the situation of child rights in the country and performance of the Commission, as required by Section 17 (1) of NCRC Act 2017. (Kindly do not include the progress report placed on NCRC website as that is a generic document that gives back ground, mandate and activities (meetings / seminars /celebration of annual days etc)*

6. *Kindly provide a copy of last one year's accounts of all funds received and how spent. This should include details of expenses on salaries of members and staff, and details under various heads, such as travel, marketing, posters, printing, furniture, vehicles purchased, fuel, Stationary, equipment, etc etc., as required by Section 19 (1) of the NCRC Act 2017.*

7. *Please provide a copy of the NCRC Rules that were to be made within six months of the Commission coming into existence, as required by Section 22 of the NCRC Act. 8. Please provide information on all specific goals that were established and achieved by NCRC that caused improvement in child protection in Pakistan in last one year. (Please do not mention or count the meetings, visits, lectures, talks, TV programs or seminars as goals as they are at best "means" and not "ends").*

9. *Please provide a list of NCRC goals established for next one year along with the plans on how they would be achieved.*

10. *Please provide records or action taken by NCRC to ensure that ZARRA be established and becomes functional, considering that as of today ZARRA does NOT exist on ground and not a single function of ZARRA is being performed, making Pakistani children helpless, vulnerable and unprotected.”*

B. Proceedings:

3. Through a notice dated July 16, 2021, sent to Chairperson, National Commission on the Rights of Child the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The Respondent through a letter dated August 03, 2021 submitted response which is as under:

“Reference to your letter dated July 16, 2021 received by the NCRC on date 29.07.2021, in context of Appeal No. 1189-07/21, NCRC humbly state that under Section 14 of the Right of Access to Information Act 2017, the NCRC is legally bound to furnish the requisite information to the applicant within ten working days of receipt of the request. The reasons why the required informations are not furnished to the applicant are responded positively and the applicant are also assured to be furnished with the same on the availability of the information when available at the earliest. The reasons are further provided to your honor for your perusal please.

i. In response to para 1,2 & 4, the NCRC issued various letters to the Federal and Provincial Governments and also attended consultation meetings with various authorities of the Federal and Provincial Governments regarding reformation of child protection laws and policies and that process is still in progress. The initial assessment of finding gaps in Federal and Provincial Laws is in process and as soon as reports prepared, will be shared by commission with the applicant.

ii. In response to para No 3 the NCRC are duty bound to publicize all of its activities through official website. The official website of the NCRC are created but due to lack of proper technical staff the site is not maintained properly. Despite that fact the NCRC team within its scarce resources are uploading information relating to its activities on the official site of Facebook and Twitter. The link to these site is <http://web.facebook.com/ncrcpakistan>, Twitter @NCRC_Pakistan & <http://ncrc.gov.pk/>.

iii. In response to para No 5 the Fiscal year of any public body start from 1st July 2020 to 31st June 2021. The NCRC is in process of preparation of its annual report which is in the phase of completion.

iv. In reply to para No 6 the NCRC will conduct its first annual financial budget in the coming months as per rules and procedure of the Federal Government and after audit it will be available to public as well as to the applicant.

V. In reply to para No 7 the NCRC drafted its rules of business and processed to the relevant quarters for approval. The drafts are still not approved. Once the draft rules of business are approved it may be made available to applicant.

vi. The reply of para No 8 &9 is given in reply to para No 5.

vii. The NCRC is in process of analyzing the ZAARA Act, 2020 and once the recommendations are formulated will be shared with the applicant.”

5. Response submitted by the public body was shared with the Appellant on August 05, 2021.

6. The Appellant on August 03, 2021 submitted rejoinder to the information shared with him which is as under:

“Kindly refer to your Information Sharing Letter dated Aug.5, 2021. Respectfully, it is stated that the NCRC has completely failed to provide any information about any of the 11 questions for which the information was sought. On the contrary it has used vague, responses to dodge the answers, such as. "We are in constant touch, We are in the process of developing, We are in the process of preparing. It will soon be available. Etc.

The missing / inadequate / unsatisfactory responses of NCRC against the 11 questions are described below.

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| Questions 1 | Copies of docs/records/letters to Fed or provincial governments relating to laws NOT PROVIDED. |
| Question 2 | Copies of docs/records/letters to Fed or provincial governments relating to remedial measures NOT PROVIDED. |
| Question 3 | Link or data relating to children NOT PROVIDED |
| Question 4 | Copies of docs/records/letters to Fed or provincial governments relating to review of policies NOT PROVIDED. |
| Question 5 | Link / Copy of annual report not provided although it was due after 31 June 2021 |
| Question 6 | Copy of annual accounts not provided |
| Question 7 | Copy of Rules or even Draft rules NOT PROVIDED, although they were to be made within first six months. |
| Question 8 | Info relating to Goals not provided |

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| <i>Question 9</i> | <i>List of goals for next year NOT PROVIDED.</i> |
| <i>Question 10</i> | <i>No info / evidence provided on actions taken establish Nation wide Helpline.</i> |
| <i>Question 11</i> | <i>No info/ evidence provided on actions taken by NCRC to establish ZARRA</i> |

C. Discussion and Commission’s View on Relevant Issues

7. The questions for the consideration of the commission are as under:
 - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
 - (b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
8. This commission holds that with regard to “copies of documents/records / reports / letters you sent to Federal or Provincial Government giving your recommendations for the working and improvement of child protection laws and practices that are either inadequate or are not effectively implemented to protect the children of Pakistan - as required by Section 15 (c) and Section 15 (d) of the NCRC Act 2017, the reply submitted by the Respondent that “NCRC issued various letters to the Federal and Provincial Governments and also attended consultation meetings with various authorities of the Federal and Provincial Governments regarding reformation of child protection laws and policies and that process is still in progress” is not satisfactory.
9. This commission believes that all the letters issued by NCRC to Federal and Provincial Governments are public documents and their certified copies be provided to the Appellant. These letters will reveal information about steps and initiatives taken by NCRC to protect and promote rights of the children in accordance with its mandate.
10. This commission also holds that the reply submitted by the Respondent, NCRC that “consultation meetings with various authorities of the Federal and Provincial Governments” is vague. Minutes of official meetings are kept to record the proceedings of such meetings and these minutes should be made public so that citizens could know as to how many meetings, at what level of the federal and provincial governments these meetings were held and what transpired during these meetings, for, these meetings are held with funds provided by the citizens of Pakistan. Similarly, records in the shape of documents, reports and letters sent to federal and provincial governments pertaining to the review of the policies are public documents and should have been shared with the Appellant.
11. While the web site of the NCRC is not ready, it should have shared with the Appellant any record indicating steps taken, like domain registration and hosting services contacted for the launch of the web site with the Appellant.
12. This commission is of the view that the Respondent should compile its annual report and once it is finalised, it should share with the citizens.

13. This commission is of the view that draft Rules should not be treated as ‘intermediary opinions’ and thus exempted from disclosure. The draft Rules cannot be treated as a record whose premature disclosure may hinder frank and candid internal discussion. In fact, draft Rules should be shared with citizens and experts so that they could give input on the draft Rules to make these Rules effective. Furthermore, sharing of draft Rules will help achieve the objective of public participation in the affairs of governance as enunciated in the Right of Access to Information Act 2017.

D. Order

14. The appeal is allowed. The Chairperson, National Commission on the Right of Child is directed to share with the Appellant certified copies of the records available on the files pertaining to the queries of the Appellant mentioned in para 2 of this Order within 10 working days of the receipt of this Order, with intimation to this office.
15. The Chairperson, National Commission on the Right of Child is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification on its web site as required under Section 5 (1) (b) of the Act, put name, designation and contact details of the PIO on its web sites as required under Section 5 (1) (h) of the Act and submit compliance reports to the commission within 3 working days of the receipt of this Order.
16. Copies of this order be sent to the Chairperson, National Commission on the Right of Child and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

September 07, 2021

This order consists of 5 (five) pages, each page has been read and signed.