



In The Pakistan Information Commission, Islamabad
Appeal No 1196-07/21

Yasir Mehmood Awan

(Appellant)

Vs.

Directorate General Civil Defence

(Respondent)

ORDER

Date: April 04, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Yasir Mehmood Awan dated July 07, 2021, stating that he submitted information request dated June 07, 2021 under the Right of Access to Information Act 2017 to the Director General, Civil Defence. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as follows:
 - *“Attested copies of courses, list of participants, qualifying certificates etc during year July 2018 – April 2019 at Federal Civil Defence Training School, Abbottabad.*
 - *Attested copy of personal file of the undersigned located at FCDTS, Abbottabad.*
 - *Attested copies of attendance Register of FCDTS, Abbottabad.*
 - *Attested copies of Diary Dispatch Register Record of FCDTS, Abbottabad for July 2018 – October 2020.*

B. Proceedings

3. Through a notice dated July 09, 2021, sent to Director General Civil Defence, Directorate General Civil Defence 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 August 24, 2021 and both parties were informed through notices sent on August 02, 2021. No one appeared before the Commission to represent Respondent in the hearing held on August 24, 2021.
5. The appeal was again fixed for hearing September 28, 2021 and both parties were informed through notices sent on August 25, 2021.
6. Through another notice dated September 15, 2021 the Respondent was directed to submit written arguments within 15 days, otherwise the appeal will be decided Ex-Parte in the light of the record available on the file and the Right of Access to Information Act 2017.

7. The Appeal was fixed for hearing on November 09, 2021 and both parties were informed through notices sent on October 08, 2021.
8. The Respondent neither responded to the notices of the Commission nor attend any hearing.

C. Discussion and Commission's View on Relevant Issues

9. 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".
10. In the instant appeal the public body has failed to acknowledge and respond to the information request of the appellants. Moreover, the public body also failed to respond to the notices of commission and also did not attend the hearings held on August 24, 2021, September 28, 2021 and November 09, 2021.
11. This Commission through an order on Appeal No 960-03/21 Yasir Mehmood Awan Vs Directorate General Civil Defence has already held that record generated during the course of service of an employee and placed on personal file of the employee is public record which should be made available to the employee concerned on his or her request.
12. Moreover, the attendance registers and list of participants in any course are also public record under the Act. Citizens have the right to have access to this information to ensure accountability of public bodies. Disclosure of such information will reduce the trust gap between the public bodies and the citizens.
13. This Commission observes that the Respondent is continuously wilfully denying the Right of Access to Information as guaranteed in the Article 19A of the Constitution of Pakistan, and the Right of Access to Information Act 2017 by not implementing the earlier issued orders of this Commission in multiple orders.
14. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
15. 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.
16. 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".

D. Order

22. Appeal is allowed. Director General Civil Defence, Directorate General Civil Defence is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

23. 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.
24. Director General Civil Defence, Directorate General Civil Defence is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
25. Copies of this order be sent to Director General Civil Defence, Directorate General Civil Defence and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

April 04, 2022

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