



In the Pakistan Information Commission, Islamabad

Appeal No 1243-08/21

Malik Ummar Ali

(Appellant)

Vs.

Ministry of Railways

(Respondent)

ORDER

Date: November 17, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant through an email dated August 03, 2021 filed Appeal to the Commission, stating that he had submitted information requests to Director (Admin), Ministry of Railways on July 26, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.

2. The information sought by the Appellant is as follows:

"یہ کہ ریلوے اسٹیشن سمبڑیال سیالکوٹ کے مین انٹر ہونے والے راستے میں موٹر سائیکل کھڑی کرنے پر ٹھیکہ کیا پاکستان ریلوے نے کسی کو الاٹ کیا ہے؟

2. یہ کہ ٹھیکے کے ایگریمنٹ کی فوٹو کاپی فراہم کرنے کی استدعا ہے؟

3. یہ کہ ریلوے اسٹیشن کے مین گیٹ کے بالکل سامنے والے واحد راستہ کا ٹھیکہ پاکستان ریلوے کسی کو دینے کا مجاز ہے؟

4. یہ کہ سمبڑیال ریلوے اسٹیشن کی حدود میں تاج سینٹر کے لئے جو جگہ لیز پر دی گئی ہے پاکستان ریلوے کی جگہ پر ایسا کوئی پلازہ تعمیر کیا جاسکتا ہے جس کی اپنی پارکنگ نہ ہو؟

5. کیا پاکستان ریلوے کی جگہ پر تعمیر پلازہ سرکاری روڈ کا بطور پارکنگ استعمال کر سکتا ہے؟"

B. Proceedings

3. Through a notice dated August 09, 2021, sent to Director (Admin), Ministry of Railways 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. Through a notice dated September 28, 2021 sent to Director (Admin) / Public Information Officer, Ministry of Railways the Respondent was directed to submit written reply and arguments to Pakistan Information Commission within 15 days, otherwise the appeal will be decided Ex-Partee in the light of the record available on file and the Right of Access to Information Act, 2017.
5. The Appeal was fixed for hearing on November 16, 2021 and both parties were informed through notices sent on November 01, 2021.
6. The Respondent neither submitted written response in the instant appeal, nor attended the hearing held on November 16, 2021.

C. Discussion and Commission's View on Relevant Issues

7. 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".
8. The information requested by the appellant belongs to the Section 5 (a) and (e) of the Act, Section 5(e) is as under:
 - e) *The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body,*
9. The requested information is also declared as public record in Section 6 (b) of the Act, which is as under:

"(b) Transactions involving acquisition and disposal of property and expenditure are undertaken by a public body in the performance of its duties and functions;"
10. According to Section 14 (1) of the Act, the public body is bound to respond to an information request as soon as possible and in any case within ten working days of receipt of the request, in the instant appeal the public body not only failed to respond to the information request of the appellant but also did not attend the hearing held on November 16, 2021.
11. 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.
12. 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

13. Appeal is allowed. Director (Admin) / Public Information Officer, Ministry of Railways 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.
14. Director (Admin) / Public Information Officer, Ministry of Railways is 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.
14. Copies of this order be sent to Director (Admin) / Public Information Officer, Ministry of Railways and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

November 18, 2021

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