

Pakistan Information Commission

1st Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Website: www.rti.gov.pk

Phone: 051-9261014

Email: appeals@rti.gov.pk

Facebook @PkInfoComm



In The Pakistan Information Commission, Islamabad

Appeal No 1422-10/21

Samar Mukhtar

(Appellant)

Vs.

Office of the Deputy Commissioner, Islamabad

(Respondent)

ORDER

Date: February 14, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission received the appeal from Sammar Mukhtar through his council, stating that he submitted information request dated October 22, 2021 under the Right of Access to Information Act 2017 to the Deputy Commissioner, Islamabad.

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

درخواست برائے جاری کئے جانے مصدقہ نقول انتخابات نمبر 11728 مورخہ 25 جولائی 2014 و 12002 مورخہ دسمبر 30، 2014 موضع کرپا تحصیل و ضلع اسلام آباد۔

گزارش ہے کہ سائل کو انتخابات نمبر مورخہ 25 جولائی 2014 و 12002 مورخہ دسمبر 30، 2014 موضع کرپا تحصیل و ضلع اسلام آباد کی مصدقہ نقول درکار ہیں۔ جس کے لئے سائل گزشتہ ایک سال سے متعلقہ افسران زیریں سے زبانی و تحریری درخواست و فریاد کر رہا ہے، لیکن اس سب کے باوجود آج تک سائل کو مذکورہ بالا دستاویزات کی نقول مصدقہ و غیر مصدقہ فراہم نہ کی ہیں۔

B. Proceedings:

3. Through a notice dated November 01, 2021, sent to Deputy Commissioner, Islamabad the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied with in the given time.

4. The Appeal was fixed for hearing on February 08, 2022 and both parties were informed through notices sent on December 24, 2021.

5. No one appeared before the Commission to represent the Respondent during the hearing held on February 08, 2022.

C. Discussion and Commission's View on Relevant Issues:

6. 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".
7. In the instant appeal the appellant has requested documents related to his land record, which is his basic right and the Respondent is bound to provide him copy of the requested document after due legal process.
8. The information requested by the appellant belongs to the Section 6(c) of the Act, which is as under:

"c) Information regarding grant of licenses, allotments and other benefits, privileges, contracts and agreements made by a public body;"
9. This Commission observes that the appellant has to pay the cost as per Schedule of Cost notified by this Commission, as the requested information pertains to the land record. The Schedule of cost notified by this Commission is available under 'Legal Framework' category at the web site of the commission www.rti.gov.pk.
10. This Commission observes that Deputy Commissioner, Islamabad is reluctant to designate Public Information Officer, despite repeated directions in multiple Orders, which is violation of the Section 9 of the Act, which states that 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.
11. The public body is failed to the respond to the notices of commission and also did not attend the hearing held on February 08, 2022.
12. 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.
13. 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

14. Appeal is allowed. Deputy Commissioner Islamabad 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.
15. Deputy Commissioner Islamabad is 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.
16. 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.
17. Copies of this order be sent to Chief Commissioner, Islamabad, Deputy Commissioner Islamabad and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

February 14, 2022

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