



In The Pakistan Information Commission, Islamabad

Appeal No 1603-01/21

Naveed Ahmed

(Appellant)

Vs.

Ministry of Statistics

(Respondent)

ORDER

Date: June 09, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Naveed Ahmed dated December 28, 2021, stating that he submitted an information request dated December 10, 2021 under the Right of Access to Information Act 2017 to the Secretary, Ministry of Statistics. 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 under:

“In this regard, the undersigned requests your kind self to provide information of the vacant posts of BPS 18-21 in your Ministry, Division, attached departments as well as Autonomous Bodies. The information may please be submitted in the following format:

<i>Sr. #</i>	<i>BPS Scale</i>	<i>Position</i>	<i>Organization</i>	<i>Time since position is vacant</i>	<i>Reason for not filling vacancy</i>

B. Proceedings:

3. Through a notice dated January 10, 2022, sent to Secretary, Ministry of Statistics, the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied within the given time.

4. The appeal was fixed for hearing on March 08, 2022 and both parties were informed through notices sent on February 09, 2022.
5. The appeal was fixed for hearing on March 08, 2022, April 05, 2022 and May 31, 2022, but the respondent neither submitted any written arguments nor attended any hearing.

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

6. The commission has to decide 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 Act.
7. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (a) of the Act.
8. The information requested by the appellant is also a public record under the Section 5 (a) of the Act, which is as under:
“a) Description of the public body's organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties that these are accessible subject to reasonable restrictions based on limited resources;”
9. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”
“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.
10. The Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite providing multiple opportunities and conducting multiple hearing the respondent neither submitted any written argument nor attended any hearing.
11. 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 passed verdicts of this Commission in multiple orders.
21. 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.

22. 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

23. Appeal is allowed. Secretary, Ministry of Statistics 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.
24. The Respondent is also directed to take immediate steps to proactively share through the website 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 on the website of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
25. Copies of this order be sent to Deputy Secretary (Coord) / Public Information Officer, Cabinet Division and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 09, 2022

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