

Pakistan Information Commission

Government of Pakistan

1st Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Website: www.rti.gov.pk

Phone: 051-9261014

Email: appeals@rti.gov.pk

  @PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 1964-06/22

Mumtaz Ahmed

(Appellant)

Vs.

Ministry of Climate Change

(Respondent)

ORDER

Date: August 18, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated June 02, 2022 to the Commission, stating that he submitted an information request to the Secretary, Ministry of Climate Change on January 25, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:

میں تین بلین ٹریڈ سونامی پراجیکٹ پر کالم لکھنا چاہتا ہوں۔ تحقیقاتی کالم لکھنے کے لیے درست معلومات کا ہونا انتہائی ضروری ہے۔ جس کے لیے مجھے مین بلین ٹریڈ سونامی پراجیکٹ کی معلومات کی ضرورت ہے۔ (۶) اب تک اس پراجیکٹ پر کتنے اخراجات ہو چکے ہیں۔ (2) پنجاب، سندھ، خیبر پختونخوا اور بلوچستان، آزاد جموں و کشمیر اور گلگت بلتستان کو اب تک سال وائز کتنے فنڈ فراہم کیے اور پی سی ون کے مطابق کتنے کتنے فنڈ فراہم کرنے تھے۔ (3) اس وقت منسٹری میں کتنی مانیٹرنگ ٹیمیں ہیں اور مانیٹرنگ کے دوران رہائش، کھا اور دیگر اخراجات منسٹری ادا کرتی ہے یا جہاں مانیٹرنگ کی جارہی ہو وہ ادا کرتے ہیں۔ (4) مین بلین ٹریڈ سونامی پراجیکٹ کے حوالے سے منسٹری میں تنخواہوں الاؤنس اور ٹی اے ڈی اے اور لیپ ٹاپ کمپیوٹرز، پی پی ایس، ڈرونز، اور فرنیچر کی خریداری پر کتنے کتنے اخراجات ہوئے۔ (5) پنجاب سندھ خیبر پختونخوا، بلوچستان، آزاد جموں و کشمیر اور گلگت بلتستان میں سیکرٹریز، چیف کٹر روبیٹرز، پراجیکٹ ڈائریکٹرز کنٹریوٹرز اور ڈی ایف اور کی اسٹیشنوں پر اور پلانٹیشن اور ترس پر بتانے پر کب اور کتنے اخراجات ہوئے ان اخراجات کی تفصیل اور بلز (دو چیز) کی کیا چیز کی ضرورت ہے۔ کے تحت متعلقہ افسران کو حکم فرمائیں کہ وہ مقررہ وقت میں *right of access to information act* مہربانی فرمائی 2017 ریکارڈ فراہم کریں۔ تاکہ میں درست معلومات کے ساتھ کالم لکھ سکوں۔ آپ کا مشکور ہوں گا۔ (نوٹ) فوٹو کاپی کے تمام اخراجات ادا کروں گا۔

B. Proceedings

3. Hearing on the instant Appeal was fixed for August 11, 2022 vide letter dated July 27, 2022 . The Respondent was represented by Momtor Bhatti , Reporter, and Journalist.

C. Issues

4. The instant appeal has brought to the fore the following issues:
 - (a) Did the Respondent follow procedure enunciated in the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
 - (b) Is the disclosure of the requested information warranted under the provisions of the Act, 2017?
5. In the instant Appeal, the record on the file shows that the Respondent demonstrated utter disregard to the provisions of the Act, 2017.
6. In the instant appeal, the Respondent failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act.
7. The Respondent also failed in following the procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act.
8. The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
9. This commission holds that the requested information pertaining to expenditure incurred on 10 billion Tsunami Project is matter of public importance and its disclosure is warranted both by the letter and spirit of the Act, 2017.
10. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
11. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
12. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.
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”.

E. Order

14. The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.
15. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.
16. Secretary, Ministry of Climate Change 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 10 working days of the receipt of this Order.
17. Secretary, Ministry of Climate Change is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using ‘Web accessibility checklist’. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 23, 2022

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