



In the Pakistan Information Commission, Islamabad

Appeal No 2070-07/22

Zain Mustafa

(Appellant)

Vs.

Ministry of Industries and Production

(Respondent)

ORDER

Date: October 10, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Arif Shaffi, through his council, Zain Mustafa Soomro dated July 18, 2022, stating that he submitted an information request dated June 13, 2022 under the Right of Access to Information Act 2017 to Secretary, Ministry of Industries and Production. 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:

“List of all the Legal Cases (either pending or disposed of) before the Courts of Law all over Pakistan (including all the benches / circuit courts / registries of the High Courts as well as the Supreme Court) filed by or against Pakistan PVC Limited (formerly Arokey Chemical Industries Limited / Pakistan Plastics Limited) from 1973 to 1992.”

B. Proceedings

3. Through a notice dated July 21, 2022 sent to Deputy Secretary (Admin), Ministry of Industries and Production, 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 September 13, 2022 and both parties were informed through notices sent on August 30, 2022. Mr. Muhammad Shaffi, Director, Pakistan PVC Limited and Mr. Sohail, Deputy Secretary, Ministry of Industries and Production attended the hearing and requested time for submission of the response/information, which was allowed and hearing was adjourned for September 20, 2022.

5. Mr. Muhammad Shaffi, Director, Pakistan PVC Limited again appeared before the Commission during the hearing held on September 20, 2022 but failed to submit any response or information before the Commission.

C. Discussion and Commission's View on Relevant Issues

15. 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 relevant and complete information requested by the appellant under the Right of Access to Information Act, 2017, hereafter referred to as Act.
16. The information/documents requested by the Appellant in the instant appeal belong to the Section 6(b) of the Act, which is as under:

“6(b) transactions involving acquisition and disposal of property and expenditure undertaken by a public body in the performance of its duties and functions;”
17. This Commission maintains that the public bodies spend money from their budget on the proceeding the cases filed in the Courts, therefore the citizens have the right to acquire information about proceedings against or by the public body in the courts. This information will help the citizen to analyse the performance of public bodies.
18. Moreover, the public bodies under the Section 16(1) (k) of the Act are bound to make the record public ~~the record that which~~ is more than twenty-year-old, even it is declared classified under the Section 7 or Section 16 of the Act.

Section 16 (1) (k) is as under:

“the exemptions set out in section 16 shall cease to apply after every twenty years and that record of public bodies shall be made public.”

19. Despite requesting time for submission of response/information during the hearing held on September 13, 2022, the Respondent did not submit any response or information before the Commission. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies demonstrates that the public bodies are not ensuring the implementation of the Right of Access to Information Act, 2017.
20. 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

21. Appeal is allowed. Deputy Secretary (Admin), Ministry of Industries and Production 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.
22. 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.

23. Copies of this order be sent to the Deputy Secretary (Admin), Ministry of Industries and Production and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: October 10, 2022

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