



**In the Pakistan Information Commission, Islamabad**

**Appeal No 2117-08/22**

**Amjad Rashid**

**(Appellant)**

Vs.

**National Highway Authority**

**(Respondent)**

**ORDER**

**Date:** October 06, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated August 10, 2022 to the Commission, stating that he submitted an information request to the Chairman, National Highway Authority on June 06, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

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

1. "That the appellant being a Pakistani Citizen sent a letter dated 06.06.2022 to the Chairman National Highway Authority which has not been responded in any manner. hence this appeal is being filed as a right of information according the provision of 19-A of the Constitution of Pakistan and Section 17 of Access to information Act 2017.

2. That the appellant has asked the following queries:

"a. The rules, regulations, criteria, specifications, pre requisites and modus operandi of allotment of land for the establishment of Buss terminal in Islamabad.

b. Is it correct that in the year 2002-2003, the NHA allotted/leased the land for the bus terminals in Jhangi Syedan on Motorway Chowk, Islamabad to Rana Anwar Ahmed. If it is correct, then the applicant/appellant seeks the copies of the following documents;

i. Copy of news paper advertisement.

ii. Copy of the lease agreement between NHA and Rana Anwar Ahmed.

c. Is it true that Rana Anwar Ahemd sublet 50% share of the Bus Terminal to Skyways in the year 2014 and NHA has any knowledge regarding this violation.

d. Under what law, terms and conditions, the NIIA and Rana Anwar Ahmed transferred the 50% share of the sand Bus Terminal in the name of Skyways, please furnish a copy of such transfer or agreement thereof.

e. Whether the lessee can sublet any portion of the Bus terminal to anyone else under the NHA Rules and Regulations

f. What penal action has taken by the NHA in connection with the above stated violations, please furnish a copy of such proceedings.”

3. That the appellant has enclosed said copy dated 06.06.2022 for the kind perusal of this Honourable Commission.

It is humbly prayed that the instant appeal may be accepted and directed to Chairman NHA to provide all said information in the written and along with documentary proof at this Honourable Forum in the best interest of justice”.

## **B. Proceedings**

3. Hearing on the instant Appeal was fixed for September 29, 2022 vide letter dated September 15, 2022.” The appellant attend the hearing whereas the Respondent failed to attend the hearing.

## **C. Issues**

4 The instant appeal has brought to the fore the following issues:

- (a) *“Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request?”*
- (b) *“Can the requested information be disclosed under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the “2017 Act”?”*

## **D Discussion and commission’s views on relevant issues:**

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 The Respondent failed to respond to notices of the commission and also failed to attend the hearing.

10 This commission holds that the requested information pertaining to the “rules, regulations, criteria, specifications, pre requisites and modus operandi of allotment of land for the establishment of Buss terminal in Islamabad” should not only have been provided to the citizen on his request but it should have been made available on the web site of the Respondent under various provisions pertaining to the proactive disclosure of information as mentioned in Section 5 of “2017 Act”.

11 This commission holds that if “in the year 2002-2003, the NHA allotted/leased the land for the bus terminals in Jhangi Syedan on Motorway Chowk, Islamabad to Rana Anwar Ahmed”, as claimed by the Appellant, then copy of newspaper advertisement, and the copy of the lease agreement between NHA and Rana Anwar Ahmed be made available to the Appellant and the lease agreement be published on the web site of the Respondent as required under Section 5 (1) (e) of “2017 Act”.

12 Similarly, Rules and Regulations governing of subletting any portion of the Bus terminal to anyone else is public information and if NIIA and Rana Anwar Ahmed transferred the 50% share of the sand Bus Terminal in the name of Skyways, records pertaining to such transfer are public documents and should have been provided to the Appellant when he filed the request for information along with records pertaining to violations and information about any penal action taken in this matter.

13 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.

14 It is pertinent to mention here that this commission has maintained through its different Orders 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***

15 The Appeal is allowed. The Respondent is directed to provide the Appellant the information requested in para 2 of this Order, at the earliest but not later than 7 working days of the receipt of this Order with intimation to this office.

16 The Respondent 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 10 working days of the receipt of this Order.

17 The Respondent 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](http://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.

18 Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on: October 07, 2022

This order consists of 4 (four) pages, each page has been read and signed.