

**Pakistan Information Commission
Government of Pakistan**

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In the Pakistan Information Commission, Islamabad

Appeal No 2181-08/22

Saif Ullah Awan

(Appellant)

Vs.

Pakistan Environmental Protection Agency

(Respondent)

ORDER

Date: November 01, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Saif Ullah Awan dated August 29, 2022, stating that he submitted an information request dated May 25, 2022 under the Right of Access to Information Act 2017 to Secretary, Ministry of Climate Change. 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:

“The undersigned wants to get the following recruitment/selection information of the below mentioned staff working in Pakistan Environmental Protection Agency, Ministry of Climate Change.

- i. Attested copy of advertisement*
- ii. Attested copy of application submitted by the selected candidate*
- iii. Attested copy of domicile at the time of selection of candidate*
- iv. Attested copy of interview mark sheet*
- v. Quota for recruitment*
- vi. Date of joining*
- vii. Policy / Rules applicable at the time of recruitment*

2. *The above mentioned information is required about the following officials of Pakistan Environmental Agency, Ministry of Climate Change.*

- i. *Mr. Aurangzaib (Assistant)*
- ii. *Mr. Mudassar (NQ)*
- iii. *Mr. Rasheed (Driver)*
- iv. *Mr. Ghulam Sarwar (Farash)*
- v. *Mr. Khalil (NQ)*
- vi. *Mr. Luqman (DR)*
- vii. *Mrs. Sajida (NQ)*
- viii. *Mr. Abdul Basit (NQ)*
- ix. *Mr. Irfan (Chowkidar)*
- x. *Abdul Rehman (Chowkidar)*
- xi. *Mr. Rashid (store keeper)*
- xii. *Mr. Sajid Mehmood (Lab Assistant)*
- xiii. *Mr. Arif (Assistant Programmer)*
- xiv. *Mr. Nadeem (NQ)”*

B. Proceedings

3. Through a notice dated September 09, 2022 sent to Deputy Director (Law), Ministry of Climate Change, 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 Respondent through a letter vide No 1(12)/2020/PIC dated September 15, 2022 submitted response which is as under:

“ It is to inform you that the subject appeal pertains to Pakistan Environmental Protection Agency, Islamabad. Mr. Amir Abbas, Deputy Director (Legal/Eof), Pak-EPA Islamabad has already been designated as Public Information Officer of Pak-EPA vide this Ministry’s letter of even number dated 26-2-2021 (copy already sent to PIC and again enclosed for ready reference). The name of said PIO is also appearing on the website of this Ministry. Therefore, it is requested that the above referred letter/notice in the subject appeal may please be issued to the above named PIO for appropriate reply in the matter.

It is further pointed out that PIO of the Ministry of Climate Change has also been changed vide this Minister's letter F.No 3(2)/Admn-1/CC/2019 dated 22-8-2022 (copy already sent to PIC and again enclosed for ready reference.)

5. Through a notice dated January 03, 2022, sent to Deputy Director (Legal) / Public Information Officer, Pakistan Environmental Protection Agency, the Commission called upon the Respondent to submit reasons to the information request of the appellant within 7 working days.

6. Pakistan Environmental Protection Agency through letter vide No 6(20)/2019-Admn dated 04-10-2022 submitted its response which is as under:

"It is pertinent to mention in this regard that a request for provision of information by Mr. Saifullah was previously received from Ministry of Climate Change vide their U.O letter dated 02-06-2022 and it was dully responded well with in time vide Pak-EPA's U.O. leter of even number dated 15-06-2022 (copies of 28 pages are attached for ready reference)."

7. The appeal was fixed for hearing on October 18, 2022. Mr. Aamir Abbas, Deputy Director (Law), Pakistan Environmental Protection Agency and the Appellant attended the hearing. The appellant informed the Commission that he has not received the complete information from the public body.

C. Discussion and Commission's View on Relevant Issues

8. The commission has to decide whether the respondent has provided relavent and complete information to the appellant as requested under the Right of Access to Information Act, 2017, hereafter referred to as Act.

9. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (e) of the Act, which is as under:

(e) "The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body"

10. This Commission through multiple orders has held that the record regarding the recruitment in a public body is public document and it should be available on the websites of the public bodies to ensure transparency in the recruitment process of the government departments.

11. 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

12. Appeal is allowed. Deputy Director (Law) / Public Information Officer, Pakistan Environmental Protection Agency 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.
13. 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.
14. Copies of this order be sent to Deputy Director (Law) / Public Information Officer, Pakistan Environmental Protection Agency and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: November 01, 2022

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