

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 632-09/20

Taimoor Khan

Vs.

Respondent I: National Assembly Secretariat through its Public Information Officer

Respondent II: Senate Secretariat through its Public Information Officer

Order

Date: December 16, 2020

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 21-09-2020, to the Commission, stating that he Submitted an information request on August 12, 2020 to the National Assembly Secretariat to provide all the notes recorded during the proceedings of Standing Committee of National Assembly and Broadcasting during their deliberations on the Right of Access to Information Act 2017.
The National Assembly through its letter dated August 28, 2020 informed that the requested information pertains to Senate Secretariate.
He also requested the Senate Secretariate for the same information on 25th August 2020. The Senate Secretariate responded that the requested information does not pertain to them.
2. The Appellant also shared copy of the letter of Zahoor Ahmed, Section Officer, (HRM-I), Senate Secretariat, dated September 08, 2020 text of which is as under:
“I am directed to refer your letter on subject cited above and to state that the requisite information mentioned in your letter pertains to the National Assembly Secretariat, therefore, the quarter concerned may be requested for provision of the information.”
3. The information sought by the Appellant from National Assembly is as follows:
“All notes recorded during the proceedings of Standing Committee of National Assembly on Information and Broadcasting during their deliberations on the Right of access to Information Act 2017”.
4. The information sought by the Appellant from Senate Secretariat is as follows:

“All notes recorded during the proceedings of Standing Committee of Senate on Information and Broadcasting during their deliberations on the Right of access to Information Act 2017”.

B. Proceedings

5. The appeal was fixed for October 15, 2020 through the hearing notice sent on September 29, 2020 and both Public Information Officers of National Assembly Secretariat and Senate Secretariat were informed accordingly.
6. Muhammad Usman Ali Deputy Secretary (Legislation) PIO appeared before the commission dated 15-9-2020 and submitted written reply. He stated that Right of Access to Information Bill 2017 was not referred to the concerned standing committee of National Assembly.
7. Rabeea Anwar, Joint Secretary, Senate Secretariat appeared before the commission and shared that according to the information request received by Senate Secretariat along with the appeal sent by the commission, applicant requested to provide notes recorded during the proceedings of Standing Committee of National Assembly on Information and Broadcasting.
8. The commission intimated that as identical information requests were filed to both secretariats, requests for information filed to National Assembly Secretariat was sent to Senate Secretariat along with the appeal filed by the citizen. The copy of request for information filed to Senate Secretariat was provided to Senate Secretariat representative with the directions to provide the requested information.
9. Respondent II did not provide the requested information. The commission sent hearing notice to the Public Information Officer, Senate Secretariat on 16-09-2020.
10. Commission received a letter from Senate Secretariat dated 21-09-2020, stating that Ms. Farkhanda Nasir, Assistant Director (LDU) will appear before the Commission.
11. During the hearing held on 22-09-2020 Ms. Farkhanda Nasir appeared before the Commission and submitted copy of the bill before the Commission. During the hearing she was directed to provide the notes of Standing Committee to the appellant within a week.
12. The requested information was not provided to the Appellant. The commission issued another hearing notice for 19-11-2020 but the Respondent failed to attend the hearing.

C. Discussion and Commission’s View on Relevant Issues

10. The questions for the consideration of the commission are as under:
 - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
 - (b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?

11. The requested information should not only be made available to the Appellant as a constitutional right of access to information in matters of public importance under Article 19-A of the Constitution of Islamic Republic of Pakistan but also as a statutory right under different provisions of the Right of Access to Information Act 2017. 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”.
12. The public body is legally obligated to proactively disclose through its web site the requested information under following sub-sections of Section 5 of the Right of Access to Information Act 2017:

(d) Relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body and the criteria, standards or guidelines upon which discretionary powers are exercised by it.”
13. The requested information is declared public records under Section 6 (d) which is as under:

a) *Final orders and decisions, including decisions relating to members of public;*

The requested information about “*notes recorded during the proceedings of Standing Committee of Senate on Information and Broadcasting during their deliberations on the Right of Access to Information Act*” is in the public interest as citizens will be able to know the intent of the legislators on different provisions of the Act.
16. The PIO not only delayed and denied access to the requested information, the PIO also failed to comply with the duly sent notices of the commission and only provided the requested information once hearing notice was sent. Even then, the information provided was not as requested by the Appellant.
17. The fact that the Respondent has caused delay in providing to the requested information to the Appellant highlights following two issues:

(A) That the Respondent has violated timeline mentioned in the Act to provide the requested information to the Appellant; and

(B) That had the Respondent implemented provisions of this Act, including, but not limited to Section 4 and 5 of the Act, the unwarranted delay in providing the requested information to the Applicant could have been avoided.
18. This commission has held through its different detailed judgements that federal public bodies are not giving primacy to proactive disclosure of information through their web

sites and that proactive disclosure of information is not given serious consideration it deserves.

19. This commission has also established through its different Orders that not only information is to be made available to citizens as required under Section 5 of the Act but it has to be made available on the web sites in a manner that it is accessible for all citizens, including those with different disabilities by incorporating web accessibility standards in the design and development of web site.
20. This commission finds it extremely unfortunate that even 'The Rights of Persons with Disability Act 2020', available on the web site of Senate Secretariat is not accessible for the blind and low-vision people. How can persons with disabilities make informed comments and provide feedback on the Act aimed at protecting and promoting their rights when it has not been made accessible to persons with disabilities in alternative formats catering to their needs? The Rights of Persons with Disability 2020 is inaccessible because it has not been made available keeping in minds special needs of persons with disabilities. Most of the Acts and Bills made available on the web sites of the Senate and National Assembly Secretariats are in JPG/image format which is inaccessible for the blind who use screen reading softwares to read documents.
21. Technology is a great leveller. It needs to be understood that people are not rendered disabled because of physical impairments but because of the barriers in the physical, social and attitudinal environment. In other words, when barriers are removed, people with disabilities can take part in national life as functionally active and productive citizens on equal basis with others.
22. With regard to information access barriers, document in JPG/image format render the blind disabled and not the fact that they cannot see to read the way sighted people read. As such, federal public bodies should avoid putting documents on their web sites in the shape of images. When documents are made available in text formats like .doc, .html or accessible PDF formats, the blind can easily read them with their screen reading software. As such, it is responsibility of Senate and National Assembly Secretariats to ensure that Bills and Acts are made available in accessible formats. It does not require extra resources but sensitivity to the special needs of citizens with disabilities and familiarity with accessibility standards.

D. Order

23. The PIO, Senate Secretariat is directed to provide the Appellant requested information about notes recorded during the proceedings of Senate standing Committee on Information and Broadcasting during its deliberations on the Right of Access to Information Act 2017.
24. The information mentioned in para 23 be provided, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
25. The Respondent, Senate Secretariat and the Respondent, National Assembly Secretariat are directed to put notifications of PIOs designated under Section 9 of the Act on their

respective web sites as required under Section 5 (1) (b) of the Act, put names, designations and contact details of the PIOs on their respective web sites as required under Section 5 (1) (h) of the Act and submit compliance reports to the commission within 10 working days of the receipt of this order.

26. The Respondents are directed to take immediate steps to proactively share through their respective web sites all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance reports 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 reports be submitted to this commission by 17/01/2021.
27. The Respondents are directed to ensure accessibility of the information proactively published on their respective web sites 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 reports 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 reports be submitted to this commission by 17/01/2021.
28. Copies of this order be sent to PIO, Senate Secretariat, Secretary, Senate Secretariat, PIO, National Assembly Secretariat, Secretary, National Assembly Secretariat and the Appellant for information and necessary action.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
December 16, 2020

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