

## **Pakistan Information Commission**

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### **In The Pakistan Information Commission, Islamabad**

**Appeal No 438-07/20**

**Moon Shahbaz**

(Appellant)

Vs.

**Ministry Religious Affairs and Interfaith Harmony**

Through its Public Information Officer

(Respondent)

### **Order**

**Date:** January 19, 2021

**Zahid Abdullah:** Information Commissioner

### **A. The Appeal**

1. The Appellant filed an appeal, dated 15-07-2020, to the Commission, stating that he Submitted an information request to the Ministry of Religious Affairs and Interfaith Harmony dated 06-07-2020 under the Right of Access to Information Act 2017.
2. The information sought by the Appellant is as follows:

آپ کے محکمے سے جاری ہونے والے فنڈ غالباً 2011-12 یا اس کے سے آگے پیچھے کو جاری ہوا۔ فنڈ جو ایک جم خانہ کے سامان جس میں جم کا سامان، کمپیوٹر، ٹیبل، اے سی وغیرہ وغیرہ تھے جو سابقہ اقلیتی اُمور کے ایم این اے اکرم مسیح گل کو جاری ہوا۔ جناب سے درخواست ہے کہ اس کی مکمل تفصیل سامان اور رقم کی دی جائے اور سامان کو ریسیو کرنے والے افراد کے نام بھی درکار ہیں جس میں آپ کے محکمے کے فرد بھی شامل ہیں انکی تمام تفصیل دی جائے۔

## **B. Proceedings**

3. Through a notice dated 23-07-2020 sent to Joint Secretary (Admin and Finance Wing) / Public Information Officer, Ministry of Religious Affairs and Interfaith Harmony Law the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent shared the information with the commission without any cover letter. The same was shared with the appellant on August 11, 2020.
5. The Appellant on 22-08-2020 shared dissatisfaction over the information shared with him.
6. The Appeal was fixed for hearing on September 17, 2020, through the hearing notice sent on Aug 31, 2020 and both parties were informed accordingly.
7. The Respondent did not appeared before the commission on the date on hearing.
8. The appeal was again fixed for hearing on October 15, 2020, through the hearing notice sent on October 05, 2020 and both parties were informed accordingly.
9. Mr. Hammad Nazir, Section Officer, Ministry of Religious Affairs and Interfaith Harmony attended the hearing held on October 15, 2020 and said that they have already provided the information. Respondent was directed to provide the complete information as requested by the Appellant.
10. The Appeal was fixed for hearing on December 31, 2020, through the hearing notice sent on December 10, 2020 and both parties were informed accordingly.
11. Mr. Muhammad Shabbir, Deputy Secretary, Ministry of Religious Affairs and Interfaith Harmony attended the hearing held on December 31, 2020 and shared the remaining information with the commission. He was asked to send the requested information to the Appellant with intimation to the commission.

## **C. Discussion and Commission's View on Relevant Issues**

12. The instant appeal has brought to the fore following issues:
  - (a) that the public body is not maintaining standards required for official communication, in general, and, as required under the Right of Access to Information Act 2017, hereafter referred to as Act, in particular; and

- (b) That the public body failed to comply with the directions of the commission.
13. The commission has observed that public bodies do not directly provide the requested information to the Appellants, even after the intervention of the commission. The information is shared with the commission instead of providing it to the appellants. This commission is not supposed to serve as a post office.
  14. The commission has also observed that public bodies do not certified while providing the requested information to the appellants as required under Section 13 (3) of the Act.
  15. In the instant appeal, the Respondent provided the requested information to the Appellant without certification and without a cover letter. Furthermore, the Respondent failed to attend one of the hearings held during the proceedings on the instant appeal.
  16. The Respondent provided the requested information to the Appellant after notices and hearings of the commission which should have ordinarily been provided to the Appellant when request for information was filed under the Act. Even during the process of providing the requested information, the Respondent provided incomplete information to the Appellant which wasted time and resources of the Appellant, the commission and the Respondent public body. It demonstrates that the powers vested in officers are not being exercised “reasonably, fairly, justly, and for the advancement of the purposes of the enactment” as required under Section 24A (1) of the General Clauses Act 1897.
  17. 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.
  18. 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.

## **D. Order**

19. The appeal is allowed. The Respondent is directed to intimate this commission that the requested information submitted before this commission in the hearing held on December 31, 2021 has been provided to the Appellant within 5 working days of the receipt of this Order.
20. 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 by 18/02/2021.
21. 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 by 18/02/2021.
22. Copies of this order be sent to Public Information Officer, Ministry of Religious Affairs and Interfaith Harmony and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
January 19, 2021

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