

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 264-01/20

Nadeem Umer

(Appellant)

Vs.

National Highways Authority

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 31-01-2020, to the Commission, stating that he submitted an information request to the Chairman / Public Information Officer dated 15-01-2020 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The information sought by the Appellant is as follows:
 1. *List of the officials Vehicles of NHA, along with their model, make, and station/person where it is used.*
 2. *List of the official Vehicles in NHA - Islamabad Region, along with purpose / officer to who it is allotted.*
 3. *Details of the fuel consumption of each vehicle since Jan 2019 to till now date. (Month wise breakup).*
 4. *Certified information about the amount spent of the maintenance of each vehicle during Jan 2017 till date, along with the name of the auto workshop from where it is repaired.*
 5. *Did NHA signed any contract with any auto workshop for the maintenance of the official vehicles, if so, please provide certified copy of the contract signed.*
 6. *Detail of NHA panel workshops along with complete record when they joined NHA Name of workshop, Name of owner, ID card of owner, NTN number of owner, Detail of vehicle repaired till date, criteria to assign maintenance work.*

7. *NHA agreement with Fuel pumps In Islamabad Area, monthly expenses/ payment to Fuel Pumps, Complete Detail record of 5 years.*
8. *Purchasing of office equipment last 3 years, complete detail.”*

B. Proceedings

3. Through a notice dated 25-02-2020 sent to Chairman, National Highways Authority the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent didn't respond to the notice of the Commission. The Appeal was fixed for hearing on March 19, 2020; both parties were informed accordingly through the hearing notice sent on March 04, 2020.
5. No one appeared before the Commission. The appeal was again fixed for hearing on August 27, 2020; both parties were informed accordingly through the hearing notice sent on August 12, 2020.
6. Mr. Asad Rehman, Assistant Director Legal National Highways Authority appeared before the Commission and stated that *“the designated officer is on leave; therefore hearing may please be adjourned. The undersigned has made snaps of the case record for the next date. The undersigned will communicate to the concerned officer, who will ensure his presence along with response on behalf of the department.”*
7. The appeal was again fixed for hearing on September 17, 2020; both parties were informed accordingly through the hearing notice sent on September 02, 2020.
8. Ch. Mazhar Rehman, designated officer, National Highways Authority-HQ appeared before the Commission and submitted written response which is as under;
 - i. *That the subject case is fixed for hearing today.*
 - ii. *That applicant requested for information through letter I March 2020, undersigned being PIO requested information from concern through letter No.8(31)/LB/NHA/2020/540 dated;10.03.2020.*
 - iii. *That due to Covid-19 from March, 2020 to August, 2020 official was disturbed that is why the information could not be provided.*
 - iv. *That information requested are not available in single office that is why reasonable time is required to compile the information as per law.”*
9. The Respondent submitted requested information to the Commission on September 30, 2020. The same was shared with the Appellant on October 02, 2020.
10. The Appellant on November 08, 2020 submitted rejoinder to the information shared by the Respondent and stated that
“The information shared by the public body is incomplete, the public body has not provided the information requested in following paras,

· *Para-1: List of the officials Vehicles of NHA, along with their model, make, and station/person where it is used.*

· *Para-5: Did NHA signed any contract with any auto workshop for the maintenance of the official vehicles, if so, please provide certified copy of the contract signed.*

· *Para-6: Detail of NHA panel workshops along with complete record when they joined NHA Name of workshop, Name of owner, NTN number of owner, Detail of vehicle repaired till date, criteria to assign maintenance work.*

· *Para-7: NHA agreement with Fuel pumps In Islamabad Area.”*

11. The response of the Appellant was shared with the Respondent and was directed to address the issue raised by the appellant within 5 working days.

C. Discussion and Commission’s View on Relevant Issues

12. The instant appeal has brought to the fore following issue:

Did the Public Information Officer, (PIO) follow procedure in responding to the information request filed under the Right of Access to Information Act 2017, henceforth referred to as Act?

13. Section 10 (1) of the Act fixes responsibility on the designated Public Information Officer, (PIO) to ensure that “requests are dealt with promoting full compliance by the public body of its obligation under this Act”.
14. The commission notes with concern that the PIO did not follow standards required for official communication, in general, and, as required under the Act, in particular. 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.
15. It is understandable that, at times, PIOs have to collect information from different public officials. However, this should not be the cause for the delay in responding to the information requests of the citizens and the duly sent notices of the commission.
16. In cases, where requested information has to be collected from different officials, PIOs are expected to forward the requested information to the concerned officers and keep record of the communication on the file.
17. In cases where other officers are involved in responding to the request for information filed by a citizen under the Act, Rule 3 of the Right of Access to Information Act Rules 2020 become relevant which is as under:

“3. Designated officer. — (1) A designated officer of a public body may seek assistance of any officer in order to collect, collate or retrieve the information being sought by an applicant.

(2) If the delay is caused or any other complaint occurs as a result of non-cooperation, faulty or delayed response on the part of an officer whose assistance was

sought by the designated officer, such other officer shall be deemed to be the designated officer after approval of the Secretary concerned for purpose of imposition of penalties under the Act”.

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.

D. Order

20. The appeal is allowed. The Respondent is directed to provide the remaining requested information:
 - Para-1: List of the officials Vehicles of NHA, along with their model, make, and station/person where it is used.*
 - Para-5: Did NHA signed any contract with any auto workshop for the maintenance of the official vehicles, if so, please provide certified copy of the contract signed.*
 - Para-6: Detail of NHA panel workshops along with complete record when they joined NHA Name of workshop, Name of owner, NTN number of owners, Detail of vehicle repaired till date, criteria to assign maintenance work.*
 - Para-7: NHA agreement with Fuel pumps In Islamabad Area.”*
21. The remaining requested information be provided to the Appellant, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
22. 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. The compliance report be submitted to this commission by 19/02/2021.
23. 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. The compliance report be submitted to this commission by 19/02/2021.

24. 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 5 (five) pages, each page has been read and signed.