

Pakistan Information Commission

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In Pakistan Information Commission

Appeal No-328-02/2020

Munazza Fatima

(Appellant)

Vs.

**Director C&O,
Federal Directorate of Education,
Islamabad**

(Respondent)

ORDER

Date: September 24, 2020

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 18/02/2020 in which she stated that she had requested information from Federal Education Department, under the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 31/01/2020, is as under:
 - I. "What is the allocated budget for Wash facilities in schools (water, sanitation) for FY 2019-2020.
 - II. How much of the total for WASH budget is spent as of 30th January 2020 according to the proportion of schools in sector G-6 and G-7 (Primary, Elementary and High Schools)?
 - III. What are the standard numbers of washrooms for girls catering to their special needs and disables (inclusive toilets).
 - IV. Number of School Management Committees formed in both sectors & complaints received by School Management Committees regarding WASH facilities in schools."

B. Proceedings

3. Through a notice dated 20-02-2020 sent to the Director General Federal Education Department, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent through a hearing notice dated 13-07-2020 was directed that the above-mentioned appeal is pending decision before this Commission. The text of the notice is as under:

“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”

5. The Respondent failed to respond to the notices of the commission.

C. Discussion and Commission's View on Relevant Issues

6. Analysis of the requested information shows that it belongs to the category of information which the Public Bodies are under a legal obligation to proactively disclose under Section 5 (1) (a), (d), (g), (h) of Right of Access to Information Act 2017.
7. Section 10(1) imposes a duty on the designated Public Information Officer to ensure provision of the requested information to the Appellant, promoting compliance of its statutory obligation under the Act, which the public body has failed to do so in the instant appeal.
8. The Commission is of the view that the Public Body has failed to implement Section 12 and Section 13 (1), (2) which contains the relevant procedure for the acceptance and rejection of the information requests.
9. The respondent has failed to provide the requested information to citizen within a maximum of 20 working days of the receipt of the information request and thus failed to implement Section 14 (1) and (2) of the Right of Access to Information Act 2017.
10. The Commission notes with great concern to witness such disregard for the law and denial of access to information which is the fundamental right of the citizens under Article 19-A of the Constitution of Pakistan and under the Right of Access to Information Act 2017.
11. In case there is a failure on part of the Public Body to implement this Order, the Commission will be left with no other option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

12. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, as per his request at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, 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 by 22/10/2020.
13. Respondent is directed to put the contact details of the designated Public Information Officer on their web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
14. Copies of this order being sent to the respondent and the appellant for information and necessary action.


Mohammad Azam

Chief Information Commissioner


Fawad Malik

Information Commissioner


Zahid Abdullah

Information Commissioner

Announced on:

September 24, 2020

This order consists of 3 (Three) pages, each page has been read and signed.