

Pakistan Information Commission
Government of Pakistan

1st Floor, National Arcade, 4-A Plaza
F-8 Markaz, Islamabad
Website: www.rti.gov.pk
Phone: 051-9261014
Email: appeals@rti.gov.pk
@PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 474-08/20

Tanwir Ahmed

(Appellant)

Vs.

Ministry of Federal Education and Professional Training

(Respondent)

Order

Date: May 27, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated October 07, 2020, to the Commission, stating that he Submitted an information request to the Secretary, Ministry of Information and Broadcasting dated 02-07-2020 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 under:

“Under the Right of Access to Information Act, 2017; I may be provided all relevant documents to proceed to the court of Law for the acquisition of my legitimate and fundamental rights which I am not been able to get from the system”.

3. In the appeal filed to the commission, the appellant further explained the requested information and stated that *“I have requested to provide me relevant information to know the exact status of my case of promotion/placement. This includes the following:*

- a. Policy for filing vacant DG FDE BS-20 100% promotion post using discretionary power by Competent Authority under Article when eligible officers from department are available who are in promotion zone waiting for CSB to be held.*
- b. Letter stating reason for return of cases to the ministry from Establishment Division for non-representation by the DR on final day of last CSB held on 28h January 2020 (Day-2) due to which all cases of the ministry were dropped from the agenda list of CSB and no one was considered from the Ministry in that CSB*
- c. Copy of SRO if approved or issued on amendment of Recruitment Rules for upgradation of DG FDE post from BS-20 to BS-21.*
- d. Copy of NIS/BO for existing vacant DG FDE post.”*

B. Proceedings

3. Through a notice dated August 11, 2020 sent to the Deputy Secretary (Coord) / Public Information Officer, Ministry of Federal Education and Professional Training the

Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The Respondent did not respond to the notice of the commission. The appeal was fixed for hearing on October 6, 2020 and both the Respondent and the Appellant were informed according through a notice dated September 24, 2020.
5. Mr. Abdul Hassan, Assistant Educational Advisor, Ministry of Federal Education and Professional Training attended the meeting held on October 06, 2020 and informed the commission that the requested information is shared with the appellant. He also shared the copy of the requested information with the commission.
6. The information provided by the Respondent during the hearing was again shared with the appellant on October 06, 2020.
7. The appellant on 9th October 2020 submitted his response to the information shared by the Respondent which is as under:

“It is reiterated that documents undersigned collected from PIC are not complete in response to my appeal. Only para No. 3 is somewhat answered but documents/ information asked in para No. 2 from Ministry of Education & Professional Training and documents/information asked in para No. 1 from Standing Committee for Government Assurances Committee on my appeal submitted on 9th May, 2019 through secretary National Assembly Secretariat are not provided which may please be asked from respondents to furnish in order to find solution to my long awaited grievances since 2013, by having these references in my records.”
7. The response of the appellant was shared with the respondent on April 19, 2020 with the directions to submit written arguments within 15 working days.
8. The commission did not receive any response from the Respondent.

C. Discussion and Commission’s View on Relevant Issues

7. The Commission observed that the information requested by the Appellant could be accessed under Section 5 (b) (c) and (d) of the Right of Access to Information Act 2017, hereafter referred as Act.

Section 5 (b) (c) and (d) states that;

- b) *“Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect.*
 - c) *Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees*
 - 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;”*
8. On consideration of the facts arising in this appeal, it is evident that the Respondent has failed to adhere to the mandatory timelines laid down in the Section 14 of the Act for responses of the public bodies in relation to information requests of the citizens.

Section 14 (1) states,

“Subject to the provisions of this Act, a public body shall be required to respond to a request as soon as possible and in any case within ten working days of receipt of the request.”

9. In the instant appeal, the Respondent has also failed to respond to the queries raised by the appellant in his rejoinder dated October 09, 2020. This commission is of the view that the wilful delay or denial of the requested information causes undue cost to citizens and the commission.
10. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
11. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

12. The appeal is allowed. The Public Information Officer of Ministry of Federal Education and Professional Training is directed to provide the information requested in Para-2 and 3, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
13. The Respondent is also directed to upload notification of the Public Information Officer along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
14. 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 by June 27, 2021.
15. Copies of this order be sent to Secretary, Deputy Secretary (Coord) / Public Information Officer of Ministry of Federal Education and Professional Training and to the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
May 27, 2021

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