

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1195-07/21

Amjad Khan

(Appellant)

Vs.

Pakistan Railways

(Respondent)

Order

Date: October 25, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 06, 2021, to the Commission, stating that he submitted an information request to Chief Executive Officer, Railways on June 15, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
 1. *Total number of posts (year-wise break up) advertised, till date, by your organization since May 2015 (From BPS 8 and above);*
 2. *Total number of posts advertised, till date, by the organization on reserved seats for minorities since issuance of quota notification in May 2015 (From BPS 8 and above)*
 3. *Total number of applications received on reserved seats in jobs (BPS 8 and above)*
 4. *Total number of candidates recruited on reserved seats for religious minorities in jobs (BPS 8 and above) in accordance with quota notification since its issuance in May 2015.*

B. Proceedings

3. Through a notice dated July 16, 2021 sent to the Personnel Officer, (Public Relations) / Public Information Officer, Pakistan Railways, the commission called upon the Respondent to submit reasons for not providing the requested information.
4. The hearing was fixed for September 16, 2021 and both the Respondent and the Appellant were informed through hearing notice sent on August 31, 2021. The Respondent neither submitted its response nor attended the hearing.

C. Issues

5. The instant appeal has brought to the fore following issue:
What can be consequences for a PIO if the PIO unlawfully delays or denies access to information to be provided to a citizen under the Right of access to Information Act 2017, henceforth referred to as Act?

D. Commission's View on Relevant Issues

6. This commission is of the view that the disclosure of requested information about total number of posts (year-wise break up) advertised, till date since May 2015 (From BPS 8 and above), total number of posts advertised, till date on reserved seats for minorities since issuance of quota notification in May 2015 (From BPS 8 and above), the total number of applications received on reserved seats in jobs (BPS 8 and above) and total number of candidates recruited on reserved seats for religious minorities in jobs (BPS 8 and above) in accordance with quota notification since its issuance in May 2015 is a matter of public importance.
7. The disclosure of requested information pertains to the rights of minorities and it would shed light on, inter alia, how quota reserved for the minorities is being adhered to and being implemented by the public body.
8. This commission maintains that the disclosure of the requested information is not only in accordance with both the letter and the spirit of the right of Access to Information Act, 2017, but its disclosure will also help achieve the stated objectives of this Act which are as under:
 - Making government more accountable to citizens’;
 - Greater level of participation of citizens in the affairs of the government’;
 - ‘Reducing corruption and inefficiency’;
 - Promoting sound economic growth’; and
 - Promoting good governance and respect for human rights.
9. In the instant appeal, the PIO has violated different provisions of the Act. The PIO failed to acknowledge request for information of the citizen and did not respond to the notices of the commission.
10. It is responsibility of the PIO to provide the applicant the requested information if it can be disclosed under the Act. The PIO is required to seek written permission from the head of the public body in case the requested information is to be denied under the provisions of the Act. In the instant appeal, the PIO neither provided the requested information nor sought permission from the head of the public body to deny the requested information under provision of the Act.
11. If directions of this commission in this Order are not implemented within the time-framework mentioned in the Order, this commission will invoke Section 20 (f) of the Right of Access to Information Act 2017.
12. This commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
13. This commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of

the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

E. Order

14. Appeal is allowed. Public Information Officer, Pakistan Railways is directed to provide the requested information in para 2 of this Order to the Appellant at the earliest but not later than 10 working days of the receipt of this Order, with intimation to this office.
15. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act 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 at the earliest but not later than 10 working days of the receipt of this Order.
16. 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 at the earliest but not later than 10 working days of the receipt of this Order.
17. Copies of this order be sent to Public Information Officer, Pakistan Railways and the Appellant for information and necessary action.

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 25, 2021

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