

**Pakistan Information Commission
Government of Pakistan**

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In the Pakistan Information Commission, Islamabad

Appeal No 1358-09/21

Bushra Pareveen

(Appellant)

Vs.

National Highway and Motorway Police

(Respondent)

Order

Date: November 10, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant on September 29, 2021 filed an appeal stating that:

“I requested Inspector General, National Highways and Motorways Police dated February 23, 2021 to provide certified copy of the inquiry report (along with all annexures) conducted in pursuance of the letter vide No NHMP-39(5)/19/HRM/O.R/JPO/2439 dated December 07, 2020 of Office of the Inspector General of Police, National Highways and Motorways Police. Despite the passage of more than even month, the public body has not provided me the requested information to date.”

B. Proceedings

2. This commission through a notice dated September 30, 2021 sent to the Inspector General of Police, National Highways and Motorway Police upon the Respondent to submit reasons for not providing the requested information.
3. The appeal was fixed for hearing on November 09, 2021 and both parties were informed through notices sent on October 14, 2021.
4. The respondent through a letter vide No. NHMP-3(29)/PIC/L/21/682 dated October 15, 2021 submitted response to the notice of the commission, which is as under:

“I am directed to state that the information requested through the subject application is directly connected with the complaint No. FOH-HQR/00000173/2020 filed by the applicant before the Federal Ombudsman for Protection Against Harassment at Workplace, Islamabad which is sub-judice and the next date of hearing is fixed on 26.10.2021. Copy of the inquiry report requested through the subject application has been submitted before the honourable Ombudsman where similar application of the applicant for provision of the inquiry report is fixed for arguments on the next date of hearing. The complainant has therefore been informed accordingly.”

5. Mr. Syed Shabbir Abbas, Inspector Legal, National Highway and Motorway Police attended the hearing. During the hearing he admitted that the inquiry is finalized but its report can't be shared with the appellant as the matter is pending for decision before the Wafaqi Mohtasib.

C. Discussion and Commission's View on Relevant Issues

6. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as the "Act".
7. The information requested by the appellant belongs to Section 5 (i) of the Act which is as under:

"i) Reports including performance reports, audit reports, evaluation reports, inquiry or investigation reports and other reports that have been finalized."
8. According to Section 14 of the Act, a public body is required to response to a request as soon as possible and in any case within ten working days of receipt of the request. However, in the instant appeal the public body has failed to acknowledge the receipt of the information request filed by the appellant. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
9. This matter was also discussed during a hearing held at Pakistan Information Commission, in pursuance of another Appeal No E91-03/21. During the hearing of the said appeal, officers of the National Highways and Motorways Police assured that inquiry report will be provided the after filing the fresh information request as required under the law.
10. This Commission, through its multiple orders including order on an Appeal No. 814-01/21 titled "Nadeem Umer Vs National Highways Authority", has held inquiry reports that are finalized are public documents and required to be available on the website of the public bodies.
11. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
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”.

D. Order

14. The appeal is allowed. The Inspector General of Police, National Highways and Motorway Police is directed to provide the information requested in Para-1 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
15. The public body 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 December 09, 2021.
16. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification 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.
17. Copies of this order be sent to the Inspector General of Police, National Highways and Motorway Police and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

November 10, 2021

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