

**Pakistan Information Commission
Government of Pakistan**

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In The Pakistan Information Commission, Islamabad

Appeal No 1424-10/21

Abdur Rehman

(Appellant)

Vs.

Pakistan Engineering Council

(Respondent)

ORDER

Date: January 24, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated October 29, 2021, to the Commission, stating that he submitted an information request to Chairman, Pakistan Engineering Council on October 05, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:
“That, M/s EPC & C Solution (Private) Limited has submitted its application for registration as contractor in Pakistan Engineering Council (PEC). Please provide attested / certified copies of all supportive documents submitted with application for registration as contractor”.

B. Proceedings .

3. The Respondent failed to respond to the notice sent on November 02, 2021.
4. The commission sent hearing notice on November 29, 2021 but the Respondent did not attend the hearing held on December 09, 2021.

C. Discussion and Commission’s View on Relevant Issues:

5. This commission is of the view that documents submitted by firms/individuals to a public body for the registration in order to get contracts are public documents as these documents reveal level of competence of the firms/individuals to carry out tasks funded by the tax-payers of the country. The ‘Profile’ of an organisation may or may not indicate level of competence for the execution of projects, bidding documents along with qualification, experience and experience certificates for registration surely help officials in deciding awarding or otherwise of projects to a firm after the registration. That is why, the disclosure of these documents is warranted by the letter and spirit of the Right of Access to Information Act 2017 to achieve the stated objectives of Act enunciated in its Preamble which are as under:
 - a. Making government more accountable to citizens’;
 - b. Greater level of participation of citizens in the affairs of the government’;
 - c. ‘Reducing corruption and inefficiency’;

- d. Promoting sound economic growth'; and
 - e. Promoting good governance and respect for human rights.
6. Public interest dictates that the certified copies of the application along with supporting documents submitted for registration to get government contracts cannot be withheld on the grounds of privacy as it this information is critical to determine the level of transparency and fairness adopted in the registration of entities as well as individuals. Therefore, none of the provisions of this Act, including Section 7 (g) can be attracted to withhold the disclosure of the requested information.
 7. The personal/private information means CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions. The Respondent can withhold such information and make the rest public.
 8. The deafening silence of the Respondent, Pakistan Engineering Council with regard to the request for information and the notices of the commission demonstrates that the Respondent is oblivious to the shifting sands of time. The Right of Access to Information Act 2017 has empowered citizens to seek information from civil servants and they are legally bound to acknowledge their information requests and respond to them within specific time-frame.
 9. In the instant appeal, the Respondent maintained radio silence and failed to respond to the duly sent notices of the commission.
 10. Had the Respondent gone through the Act after receiving request for information of the citizen and notices of this commission, clearly referencing the Act, it would have saved time and resources of this Commission. It also demonstrates that the Respondent has not taken any steps for the implementation of the Act. 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.
 11. This commission is of the view that the wilful delay or denial of the requested information causes undue cost to citizens and the commission. Citizens have to approach this commission for the exercise of their fundamental constitutional right of access to information which involves cost both in terms of money and time.
 12. Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information so that they do not have to pay the undue cost in terms of time and money in exercising their right of access to information because of the dereliction of the duty of a public official.
 13. 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.
 14. 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 of 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.
 15. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
 16. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the

home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.

17. 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

18. Appeal is allowed. Chairman, Pakistan Engineering Council is directed to provide the Appellant requested information in para 2 of this Order, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
19. 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.
20. The Respondent is directed to designate Public Information Officer as required under Section 9 of the Act, and put name, designation, telephone number and E-mail of the PIO at top right corner of the home page of its web site and submit compliance report to this effect to this commission within 10 working days of the receipt of this Order.
21. 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.
22. Copies of this order be sent to Chairman, Pakistan Engineering Council and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: January 24, 2022

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