

**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 1219-07/21

Tariq Mahmood

(Appellant)

Vs.

Pakistan Engineering Council

(Respondent)

ORDER

Date: January 12, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 17, 2021, to the Commission, stating that he submitted an information request to Deputy Registrar, Pakistan Engineering Council on May 04, 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:
“Copy of Registration form Submitted for Registration firm as Tariq & Brothers”

B. Proceedings

3. In response to the notice of the commission, the Respondent through a letter dated September 08, 2021 submitted that “information required by the concerned applicant Mr. Tariq Mahmood have already been provided vide PEC Regional Office, Lahore letter N. PEC/ LHR /CO/2021/C6/74528/WA dated 22 June, 2021”.
4. Through a rejoinder dated October 22, 2021, the Appellant stated that “Despite many clarifications and even letter No 3 dated September 08, 2021 Pakistan Engineering Council mentioned the copy is attached but copy is not with letter. It is again requested to please direct the concerned office to provide the required form here a blank form is attached for more clarification that what exactly we need”. The form in which the Appellant requested information is as under:
“PAKISTAN ENGINEERING COUNCIL
License No: 74528
Category C6
Validity: 30 June, 2021
LICENCE OF PAKISTANI CONSTRUCTOR/OPERATOR (Under the bye-laws of Pakistan Engineering Council 1987)
This is to certify that M/s TARIQ AND BROTHERS (Licensee), with its registered office at 107-Y BLOCK HOUSING COLONY, LAHORE RUAD, SHEIKHUPURA have been licensed under Construction and Operation of Engineering Works Bye-laws 1987, until the validity date to construct/operate engineering works, the construction/capital cost of which does not exceed Rs. 25 (TWENTY FIVE) million

provided the Licensee fulfills all the qualification requirements prescribed by Client or Employer for a particular engineering work and subject to the Licensee continuing to fulfill all the requirements of the bye-laws.

Field of Specialization MF07 (General Chemical works only)-(one only) (Specialization Code Nos, for detail see overleaf)

Date of Time: Jul 29, 2020

Lahore ()”

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

5. The instant Appeal has brought to the fore following question for the consideration of this commission:

Has the Respondent provided the requested as preferred by the Appellant?

i. This commission is of the view that the Respondent, while responded to the information request of the Appellant, it has failed to provide the requested information as requested by the Appellant.

ii. The disclosure of the certified information in the manner requested by the Appellant is of public importance as it would reveal that the licensee was awarded license in accordance with the relevant rules and regulations and that the Respondent conducted due diligence during the award of the license and afterwards as well.

6. 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.

7. 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.

8. 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.

9. 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”.

10. Entrusted with the solemn responsibility of protecting and promoting citizens’ constitutional right of access to information in matters of public importance, this commission will leave no stone unturned for the implementation of the Right of Access to Information Act 2017. Citizens of Pakistan through their elected representatives have

included in the Act 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.

D. Order

11. Appeal is allowed. Deputy Registrar, Pakistan Engineering Council is directed to provide the Appellant requested information in para 2 of this Order, in manner as mentioned in para 4 of this Order, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
12. 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.
13. 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.
14. 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.
15. Copies of this order be sent to Deputy Registrar, 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 12, 2022

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