



**In The Pakistan Information Commission, Islamabad**  
**Appeal No 1419-10/21**

**Faseeh Ul Hassan Malik**

(Appellant)

Vs.

**Ministry of Railways**

(Respondent)

**ORDER**

**Date:** May 11, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Mr. Faseeh Ul Hassan dated October 27, 2021, stating that he submitted information request dated September 23, 2021 under the Right of Access to Information Act 2017 to the Chairman, Pakistan Railways. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

2. The information sought by the Appellant is as follows:

"یہ کہ ضلع میانکوٹ سے سمبڑیاں شہر کی وزیر آباد ریلوے ٹریک پر کس کس مقام پر دوسرے اداروں کو ٹرانسمیشن لائن ریلوے لائن کراس انڈر گراؤنڈ اور اوپر سے گزارنے کی اجازت دی گئی ہے متعلقہ مقامات کی لسٹ بمعہ اداروں کے ناموں کے لسٹ تصدیق شدہ لسٹ فراہم کرنے کی استدعا ہے۔"

یہ کہ ضلع میانکوٹ سے سمبڑیاں تک ریلوے ٹریک کراس کرنے کے لئے محکمہ سوانی گیس، بجلی، کیبل، پنی ٹی سی ایل کو جن مقامات سے ٹرانسمیشن لائن گزارنے کی اجازت دی گئی، اجازت ناموں کی لسٹ بمعہ متعلقہ پالیسی کا پنی نوٹیفیکیشنز کی تصدیق شدہ کاپی فراہم کرنے کی استدعا ہے۔"

یہ کہ ریلوے اسٹیشن میانکوٹ سے ریلوے اسٹیشن بیگوالہ سمبڑیاں تک ٹرانسمیشن لائن گزارنے عرصہ 5 سال کتنی فیس وصول کی گئی؟

یہ ریلوے ٹریک میانکوٹ تا بیگوالہ ٹرانسمیشن لائن انڈر گراؤنڈ گزارنے کی کتنی فیس مقرر ہے اور پالیسی قانون کے مطابق طریقہ کار کیا ہے؟"

**B. Proceedings**

3. Through a notice dated October 29, 2021, sent to Director (Admin) / Public Information Officer, Ministry of Railways the Commission stated that "Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)".

4. The Appeal was fixed for hearing on February 08, 2022 and both parties were informed through notices sent on August 02, 2021. No one appeared before the Commission to represent Respondent in the hearing held on December 24, 2021.
5. The appeal was again fixed for hearing March 22, 2022, which was postponed for April 05, 2022 due to public holiday on March 22, 2022.
6. The Respondent neither responded to the notices of the Commission nor attend any hearing.

### **C. Discussion and Commission's View on Relevant Issues**

7. 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".
8. In the instant appeal the public body has failed to acknowledge and respond to the information request of the appeal. Moreover, the public body also failed to respond to the notices of commission and also did not attend the hearings held on February 08, 2022 and April 05, 2022.
9. The information requested by the appellant is also public record under the Section 5 (e) of the Act, which is as under:  
*"e) The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body."*
10. This Commission observes that the Respondent is continuously wilfully denying the Right of Access to Information as guaranteed in the Article 19A of the Constitution of Pakistan, and the Right of Access to Information Act 2017 by not implementing the earlier passed verdicts of this Commission in multiple orders.
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.
12. 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**

13. Appeal is allowed. Director (Admin) / Public Information Officer, Ministry of Railways is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
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 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
15. Copies of this order be sent to Director (Admin) / Public Information Officer, Ministry of Railways and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

May 11, 2022

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