



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1551-12/21**

**Akhtar Munir Orakzai**

(Appellant)

Vs.

**Ministry of Information and Broadcasting**

(Respondent)

**ORDER**

**Date:** September 01, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Mr. Akhtar Munir Orakzai dated December 16, 2021, stating that he submitted an information request dated November 25, 2021 under the Right of Access to Information Act 2017 to the Secretary, Ministry of Information Technology and Telecommunication. 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 under:
  1. *"A project titled "Standardization of Pakistani Software Industry (CMM 2003) was approved in a DDWP meeting held on 22nd January, 2003. However, severe financial irregularities in the project were pointed out in the Audit report 2010-11. As a result, Federal Secretary IT vide Office Order no. 5(31)/2003-AC(P) dated April 6, 2011 constituted an inquiry committee under the Chairmanship of Member (IT), MoITT along with 4 other members. The said Inquiry Committee in its final findings held Mr. Baloch along with other ex PSEB employees responsible for a loss of about 90,000 US\$ to the public exchequer (copy of the Report of Inquiry Committee is attached as Annex-A) Subsequently, MD, PSEB also constituted a Committee consisting of Director Operations & Administration and Senior Manager Projects to review the responses received from 4 employees suspected to be responsible for the financial loss. This committee also found the response of 3 employees including that of Mr. Baloch to be unsatisfactory and hence seconded the findings of MoITT Inquiry Committee Resultantly, MD PSEB vide letter # A(01)/PSEB/2012/558 dated January 25, 2012 (copy attached as Annexure-B) requested Member (Legal), MoITT to provide guidance on next step how to proceed with law enforcement agencies against the 3 accused employees. However, Mr. Baloch again used his influence and well-wishers to dump further proceedings in this connection. Hence, so far no action has been taken either by PSEB or MoITT despite a lapse of more than 12*

*years and therefore Mr. Baloch is still operating as Director Finance. The proof of his influence is that despite being proven guilty he has been given additional nine PSDP projects worth billions.*

*a. Any action(s) taken against Talib Baloch and others in the light of above referred inquiry*

*b. The case was referred to law enforcement agencies for further investigations or not. If yes, the relevant correspondence may kindly be shared.*

*c. If no action has been taken so far, the reason(s) for the delay and, d. The names of officer(s) responsible for this considerable delay in legal action against Talib Baloch and other accused employees.*

*e. Despite being accused, why he was not suspended and/or terminated in 2011 and how he is still operating as Director Finance at PSEB and getting his salary and other emoluments thus causing further losses to public money?*

*f. What steps have been taken to recover US \$ 80,000 from Talib Baloch and other accused employees?*

*g. What's the plan of MOITT on further proceedings in the light of above referred inquiry report?"*

## **B. Proceedings**

3. Through a notice dated December 29, 2021, sent to Secretary, Ministry of Information Technology and Telecommunication 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. Through a notice dated February 03, 2022 sent to the Secretary, Ministry of Information Technology and Telecommunication, the Respondent was directed to submit written arguments within 15 working days, otherwise the appeal will be decided Ex Parte in the light of the record available on the file and the Right of Access to Information Act, 2017.
5. The appeal was fixed for hearing on April 05, 2022 and both parties were informed through notices send on February 17, 2022. No one appeared before the Commission to represent the public body.
6. The appeal was again fixed for hearing on May 31, 2022 and July 05, 2022 and both parties were informed through notices send on April 12, 2022 and June 01, 2022 respectively, but the Respondent neither attended the hearings nor submitted any written response/information.

### 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 as Act.
8. The information/documents requested by the Appellant in the instant appeal belong to the Section 5(i) and 6 (d) of the Act.
9. The information requested by the appellant is also public record under the Section 5 (i) of the Act, which is as under:

*“i) Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized”*
10. This Commission maintains that the information requested at para (e) and (g) of the information request dated November 25, 2021 does not constitute request for information under Section 11 (3) of the Act, 2017. As, in these para(s) the appellant is asking about the plan(s) of the department, which does not fall within the definition of the record.
11. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

*“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.*
12. The Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite committing multiple times the provision of the information to the appellant during the hearings held in Pakistan Information Commission, the public body is reluctant to provide the requested information to the appellant.
13. Disclosure of this information will improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will able to make the public bodies accountable for their performance.
14. 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 demonstrates that public bodies are not ensuring the implementation of the Right of Access to Information Act, 2017.15. 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

16. Appeal is allowed. Deputy Director (Coord) / Public Information Officer, Ministry of Information Technology and Telecommunication is directed to provide complete information mentioned in para 2 of this Order to the Appellant except the information requested in para (e) and (g), at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

17. 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.
18. Copies of this order be sent to Secretary, Ministry of Information Technology and Telecommunication, Deputy Director (Coord) / Public Information Officer, Ministry of Information Technology and Telecommunication and the Appellant for information and necessary action.

**Mohammad Azam**  
Chief Information Commissioner

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Announced on: September 01, 2022  
This order consists of 4 (four) pages, each page has been read and signed.