



In the Pakistan Information Commission, Islamabad

Appeal No 1458-11/21

Muhammad Ramzan Achakzai

(Appellant)

Vs.

Ministry of Energy

(Respondent)

ORDER

Date: August 29, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Muhammad Ramzan Achakzai dated November 02, 2021, stating that he submitted an information request dated October 02, 2021 under the Right of Access to Information Act 2017 to the Secretary, Ministry of Energy (Power Division). 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:

کیسکو بورڈ آف ڈائریکٹرز کے لئے دیئے گئے اخبار اشتہار روزنامہ ایکسپریس کو نمٹہ مورخہ 24.11.2019 میں امیدواروں کی مقررہ تاریخ تک دی گئی درخواستوں کی لسٹ فراہم کر کے ممنون فرمائیں۔

B. Proceedings

3. Through a notice dated February 22, 2022, sent to Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division) 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 public body through a letter dated April 04, 2022 submitted its response which is as under:
“I am directed to refer to your letter Appeal No. 1458-01/21, dated 22.02.2022 on the subject noted above and to say that the matter pertaining to the appeal mentioned above has been examined in the light of Right of Access to Information Act, 2017. Section 11 (1)

of the Act ibid stipulates that a citizen of Pakistan may make a request to a public body through the designated official.

2. However, the examination of the above mentioned case transpires that the applicant did not make the request as per provisions of the Act ibid

3. Above in view, Pakistan Information Commission is requested to advise the applicant to make request in keeping with the guidelines contained in the above mentioned.”

5. The appeal was fixed for hearing on May 17, 2022 and both parties were informed through notices send on April 07, 2022. No one appeared before the Commission to represent the public body.
6. The appeal was again fixed for hearing oon June 28, 2022. Mr. Imran Afraz, Section Officer (Law), Ministry of Energy (Power Division) attended the hearing and request time for the provision of the information which as allowed and hearing was adjourned for July 05, 2022. No one appeared before the Commission to represent the public body in the hearing held on July 05, 2022.

C. Discussion and Commission’s View on Relevant Issues

7. The commission has to decide 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 belongs to the Section 5(e) and 6 (c) of the Act.
9. Section 6(d) is as under:
“Information regarding grant of licenses, allotments and other benefits, privileges, contracts and agreements made by a public body.”
10. Purpose of the Act is to ensure 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”.
11. 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.
12. 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.
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. Appeal is allowed. Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division) 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.
15. 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
16. Copies of this order be sent to Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division) and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: August 29, 2022

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