



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1689-01/22**

**Rana Abrar Khalid**

(Appellant)

Vs.

**National Institute of Folk and Traditional Heritage**

(Respondent)

**ORDER**

**Date:** August 03, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Mr. Rana Abrar Khalid dated January 18, 2022, stating that he submitted information request dated December 31, 2021 under the Right of Access to Information Act 2017 to the National Institute of Folk and Traditional Heritage, Islamabad. 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. "What is the procedure for awarding contracts for various canteens and allotment of commercial stalls during the annual "Lok Mela" of National Institute of Folk & Traditional Heritage (Lok Virsa) and in general?
  2. In Particular, what kind of due diligence is done before awarding a contract for a canteen in National Institute of Folk & Traditional Heritage (Lok Virsa)?
  3. What are the names of the people who have been awarded contracts for canteens/food stalls in the National Institute of Folk & Traditional Heritage (Lok Virsa) since 2008, what was the annual contract amount of each contractor and how much did each contractor pay to the management of National Institute of Folk & Traditional Heritage (Lok Virsa)?
  4. Those who have been awarded the Canteen Contract in National Institute of Folk & Traditional Heritage (Lok Virsa) since 2008, how many of them are defaulters and how much money is owned to each contractor? (Please provide the list of defaulters with amount due from each contractor).
  5. What steps has the Administration of National Institute of Folk & Traditional Heritage (Lok Virsa) taken since 2008 to recover the amount due from the container contractors? (Please tell the detail)."

**B. Proceedings**

3. Through a notice dated January 24, 2022, sent to Director General, National Institute of Folk and Traditional Heritage 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 May 31, 2022 and both parties were informed through notices send on April 14, 2022. No one appeared before the Commission to represent the public body.
5. The appeal was again fixed for hearing on July 05, 2022 and both parties were informed through notices send on April 14, 2022, but the Respondent neither attended the hearing nor submitted any written response/information.

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

6. 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.
7. The information/documents requested by the Appellant in the instant appeal belongs to the Section 6 (c) of the Act.
8. The information requested by the appellant is also public record under the Section 5 (b) of the Act, which is as under:

*“6(c) information regarding grant of licenses, allotments and other benefits, privileges , contracts and agreements made by a public body;”*
9. 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”.*
10. 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.
11. 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.
12. 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.
13. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
14. 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.
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. Director General, National Institute of Folk and Traditional Heritage 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.
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. Director General, National Institute of Folk and Traditional Heritage is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
19. Copies of this order be sent to Director General, National Institute of Folk and Traditional Heritage and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: August 03, 2022

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