

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 2062-07/2022

Syed Sardar Ahmed

Vs

Ministry of Human Rights

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Syed Sardar Ahmad, filed an application under the Right of Access to Information Act, 2017 pertaining to the Director General of Special Education inclusive Education for Children with Disability in public and private schools in Islamabad. Through his application dated 09.06.2022 addressed to the Secretary, Ministry of Human Rights he has requested the following information:

- a. *“List of the stakeholders/ partners of the project.*
- b. *List of schools (along with address/ phone no.), where CWD’s have been enrolled both in public and private schools.*
- c. *Total no. of enrolled CWD’s school wise / disability wise/ gender wise) in public and private schools.*
- d. *Details of teachers’ training (if any). How many trained teachers for this specific field are available in above schools or institution to teach Children with Disability of different categories?*
- e. *There are certain basic requirements for introducing inclusive Education like; (assessment, parents counselling, modified syllabus, transport facility, provision of assistive aids, accessible environment which include ramps/ tactile pathways, proper washrooms and special design furniture*

Appeal No. 2062-07/2022

etc. Provision of assistive aids like; wheel chairs / crutches /hearing aids/ white canes etc. Have these facilities been provided to the enrolled CWD's?

- f. Starting & closing of the project.*
- g. Total estimated cost of the Project.*
- h. What is the mechanism and KPIs to evaluate the project? Details needed.*
- i. Details of the participation of civil society or DPOs or NGOs or INGOs etc.*
- j. Has an Individual Education Plan (IEP) been prepared for each child?"*

2. Feeling aggrieved for the non-provision of the information within the period provided under the Act, he has filed appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. The Director (I&C), Ministry of Human Rights vide letter dated 20.07.2022 was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 17.8.2022 but neither was the reply submitted nor any one appeared to represent the respondent public body.

C. COMMISSION'S VIEW

5. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time

Appeal No. 2062-07/2022

frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented

by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.

6. The appellant is interested in seeking information and record pertaining to the Education for Children with Disability in public and private schools in Islamabad. In this regard he has inquired the information detailed in para 1 supra. The area of interest of the appellant is the matter of public interest and importance since the citizens with disabilities would be keen to have access to the sort of information and record meet their education, skills and needs.
7. The information relating to the policies and decisions adopted by the public bodies and the criteria, standards or guidelines upon which discretionary powers are exercised are the category of record that ought to have been published including uploading over the internet or in a manner which best ensures the accessibility to the public at large. In that eventuality the appellant reserves his right to know whether. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.
8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

Appeal No. 2062-07/2022

D. ORDER

9. The appeal is allowed. The Director (I&C), Ministry of Human Rights is directed to furnish the appellant all the requested information and record, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 23.08.2022

Certified that this order consists of 04 pages, each page has been read and signed.