



In the Pakistan Information Commission, Islamabad

Appeal No E306-07/2022

Ashraf

(Appellant)

Vs.

Higher Education Commission

(Respondent)

ORDER

Date: October 24, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Ashraf, through online appeal management system, dated July 25, 2022, stating that he submitted an information request dated June 29, 2022 under the Right of Access to Information Act 2017 to Higher Education Commission. 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:

“I had submitted an application dated 02-03-2022 in the office of Executive Director of HEC with the subject request to attest degree issued by Global Institute Lahore. It almost 3 months has been passed but not give any information / status/updated regarding my application.

Under the constitution of Republic of Pakistan every public servant bound to serve and respond the queries of citizen of Pakistan.

Therefor it is requested to you please provide attested copy of information regarding my application under the Right of Access to Information Act, 2017.”

B. Proceedings

3. Through a notice dated July 19, 2022 sent to Director (Media & Publication), Higher Education Commission, 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 August 30, 2022 and both parties were informed through notices sent on August 18, 2022. No one appeared before the Commission to represent the Respondent in the hearing held on August 30, 2022.
5. The appeal was against fixed for hearing on September 13, 2022. No one appeared before the Commission to represent the Respondent and submit response in the hearing held on September 13, 2022.

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 belong to the Section 5 (a) of the Act, which is as under;
“a) Description of the public body's organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties that these are accessible subject to reasonable restrictions based on limited resources;”
8. The appellant wants to know the development/proceedings made on his application for the attestation of the degree. This information should be available on the website of the public body so that the appellant can track each development on his application.
9. 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 have not carried out steps for the proactive disclosure of information as required under Section 5 of the Act, 2017.
10. 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”.
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 (Media & Publications) / Public Information Officer, Higher Education Commission 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. 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 (Media & Publications) / Public Information Officer, Higher Education Commission and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 24, 2022

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