



In the Pakistan Information Commission, Islamabad

Appeal No E238-02/22

Dilraj Gill

(Appellant)

Vs.

WAPDA Sports Board

(Respondent)

ORDER

Date: October 14, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated February 24, 2022 to the Director General, WAPDA Sports Board on February 14, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
 - i. *“Is there a minority quota in the wapda sports department?”*
 - ii. *If so, what is the percentage?*
 - iii. *How many minorities sports man are in your department recently?”*

B. Proceedings

- 3 Hearing on the instant Appeal was fixed for September 29, 2022 vide letter dated September 15, 2022. The Respondent failed to attend the hearing.

C. Issues

4. The instant appeal has brought to the fore the following issues:
 - (a) Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request?
 - (b) Can the requested information be disclosed under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the “2017 Act”?

D Discussion and commission’s views on relevant issues:

5. In the instant Appeal, the record on the file shows that the Respondent demonstrated utter disregard to the provisions of the Act, 2017.

6. In the instant appeal, the Respondent failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act.
7. The Respondent also failed in following the procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act.
8. The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
9. The Respondent failed to respond to notices of the commission and also failed to attend the hearing.
10. This commission holds that the Respondent was required to provide simple Yes/No answer to the query of the Appellant about the minority quota in the WAPDA sports department based on information available on the record. Similarly, if there is minority quota, the Respondent should have provided requested information about the percentage of the minority quota. The requested information should also have been provided about the total number of sportspersons in the WAPDA Sports Department.
11. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
12. It is pertinent to mention here that this commission has maintained through its different Orders 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".

E. Order

13. The Appeal is allowed. The Respondent is directed to provide the Appellant the information requested in para 2 of this Order, 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 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 website of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 10 working days of the receipt of this Order.
15. The Respondent is directed to ensure accessibility of the information proactively published on its website under Section 5 of the Right of Access to Information Act 2017

for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.

16. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
October 14, 2022

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