

Pakistan Information Commission
Government of Pakistan
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In the Pakistan Information Commission, Islamabad

Appeal No 2012-06/22

Faisal Munir

(Appellant)

Vs.

M/o National Health Services Regulation and Coordination (Respondent)

ORDER

Date: October 06, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated June 23, 2022 to the Secretary, Public Information Officer (PIO) Ministry of National Health Services Regulation & Coordination on May 12, 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:

“As you know that the right to information is a fundamental right of every citizen under Article 19-A of the Constitution of Islamic Republic of Pakistan and the Right of Access to Information Act,

Therefore, in exercise of my right to information, would like to request provision of the following information in a duly certified manner.

- i. Certified copy of BO/NIS forms for current budget for FY 2022-23 submitted to Finance Division by this ministry

You are requested to process my information request within 10 working days, as mentioned in section 14 of RAI Act, 2017.”

B. Proceedings

3 Hearing on the instant Appeal was fixed for September 29, 2022 *vide letter dated September 14, 2022. Nobody attended the hearing and the commission is left with no option but to issue ex-parte decision in the light of the provisions of the Right of Access to Information Act, 2017.*

C. Issues

4 The instant appeal has brought to the fore the following issues:

- (a) *Has the Respondent followed the procedure enunciated in the Right of Access to Information Act, 2017, henceforth referred to as “the 2017 Act”, for responding to the information request?*
- (b) *Has the Respondent taken steps to ensure implementation of the “2005 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 and only responded to hearing notice of the commission and provided the requested information to the Appellant.

9 The Respondent failed to respond to notices of the commission and also failed to attend the hearing.

10 Such crucial budgetary information as total budget proposed, budget allocated for a financial year, budget released and budget actually spent should be available on the web site of the federal public bodies to ensure public participation so that citizens could provide informed input into entire budget making process as well as its utilization.

11 The requested information pertaining to BO/NIS forms for Development budget for FY 2022-23 submitted to Finance Division by the Respondent should have been available on the web site of the Respondent had Section 5 (1) (g) of the Act been implemented by the Respondent which is as under:

“Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget;”.

12 Such is the significance of proactive disclosure of information that the Respondent would have only been required to guide the Appellant to the link where the requested information was available on the web site if the Respondent had implemented Section 5 of the Act.

13 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.

14 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

15 The Appeal is allowed. The Respondent is directed to upload on its web site the requested information as required under Section 5 (1) (g) and provide the requested information to the Appellant as well at the earliest but not later than 7 working days of the receipt of this Order with intimation to this office.

16 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 web site 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.

17 The Respondent is directed to ensure accessibility of the information proactively published on its web site 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.

18 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 07, 2022

This order consists of 4 (four) pages, each page has been read and signed.