

**Pakistan Information Commission
Government of Pakistan**

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In the Pakistan Information Commission, Islamabad

Appeal No 2060-07/22

M. Adil Shah

(Appellant)

Vs.

Federal Government Employees Housing Authority

(Respondent)

ORDER

Date: September 19, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 18, 2022 to the Commission, stating that he submitted an information request to the Director General, FGEGA on July 04, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as follows:
 - i. *“That the applicant is the law abiding citizen of Islamic Republic of Pakistan and working as Deputy Assistant Director in Federal Government Employees Housing Authority.*
 - ii. *That the Federal Government Employees Housing Authority is a public and in accordance with the right to information granted to citizens under the Right of Access to Information Act, 2017, I would like to request for following attested documents.*
 - *Marks obtained in written test as well as interview by the Applicant and all other Assistants appointed along with attested documents.*
 - *Weightage of academic written test and interview marks in the recruitment process at the time of appointment of the applicant and all other Assistants appointed along with the applicant in 2009.*
 - *Criteria for merit determination by Departmental Selection Committee at the time of appointment of the Applicant and all other Assistants appointed along with the applicant in 2009.*
 - iii. *Base on the foregoing lawful request, I would like to have attested copies of the above mentioned documents within time period as provided in the Right of Access to Information Act, 2017.”*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on August 12, 2022 and its text is as under:

“ The requisite information in respect of Mr. Muhammad Adil shah, Deputy Assistant Director has already been received by the appellant himself on 09 03-2022 and 17-06-2022. The copy of the same is hereby enclosed for information.”

This issues with the approval of Director General, FGE Housing Authority”
4. The Appellant submitted his response on June 17, 2022 and its text is as under:

“Only receiving the list of 11 appointed candidates for the post of Assistant 2009 prepared by Admn (HR) in 17-06-2022. Moreover, I have not Provided the other required documents/record as referred in DSC minutes i.e, 68 successful Flag A candidates called for interviews, interview marks, Simula/eriteria followed by DSC for selection / appoin etc, as per. application submitted to Plc e vide appeal No. 1850/-03/2022”.

5. Hearing on the instant Appeal was fixed for September 15, 2022 vide letter dated September 01, 2022. The Respondent was represented by M. Adil Shah, DAD, FGEHA

C. Issues

6. The instant appeal has brought to the fore the following issue:
Is the disclosure of the requested information permissible under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

D Discussion and commission’s views on relevant issues:

7. This commission holds that the requested information pertains to a matter of public importance and its disclosure is warranted both by the letter and spirit of the Act, 2017.
8. This commission has held through its different Orders that merit list, interview marks allotted to the candidates, copies of the educational certificates of successful candidates, appointment letters and the copies of domiciles are public documents and their disclosure is permissible under the provisions of the Act, 2017.
9. This commission issued a detailed Order in Appeal No. 942-03/21, Abdullah Rashed Waraich Vs. Pakistan Housing Authority Foundation which was upheld by the Honourable Islamabad High Court. In this Order, the commission held that information such as regional quota roster maintained by a public body, consolidated result of written test of the posts, attendance sheet of written tests, online applications submitted by candidates who were shortlisted for interview, educational certificates/degrees of the candidates who were shortlisted for interview, answer sheets of all candidates who were called for interview, attendance sheet of interviews, evaluation Proforma containing detail of academic records, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee, recommendations of the Departmental Selection Committee regarding selection of candidates is a matter of public importance.
10. This commission holds that the disclosure of the requested information would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
 - a) Making government more accountable to citizens’;
 - b) Greater level of participation of citizens in the affairs of the government’;
 - c) ‘Reducing corruption and inefficiency’;
 - d) Promoting sound economic growth’; and
 - e) Promoting good governance and respect for human rights.
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, including the Respondent, ECP. 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. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
13. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the

home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.

14. 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”.

E. Order

15. The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.
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: September 19, 2022

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