



**In the Pakistan Information Commission, Islamabad**

**Appeal No E224-02/22**

**M. Zafar**

**(Appellant)**

**Vs.**

**Ministry of Defence Production**

**(Respondent)**

**ORDER**

**Date:** July 05, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated February 07, 2022 to the Commission, stating that he submitted an information request to the Lt Col Tahir Iqbal, A/DD Adm RDE, Rwp on January 20, 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:*

- a. *“Sanction of the President of Pakistan clearly stating exact words “Dissolving/ merging of IOP” on or before 11. 05. 2020.*
- b. *Establishment Division notification for appointment of Director Optronics with approval of the Prime Minister of Pakistan being Appointment Authority as per Rule 6 of Civil Servants (Appointment Promotion and Transfer) Rules, 1973 on or before 11.05.2020.*
- c. *TO/E duly approved and authenticated with the sanction of the President of Pakistan showing post of Director Optronics RDE and Budget Officer RDE on or before 11.05.2020.*
- d. *Statutory Regulatory Order showing my service in RDE as Budget Officer on or before 11.05.2020.*
- e. *Authorization of RDE to exercise Executive Authority of Federation and Conduct Business of Federal Government on or before 11.05.2020.”*

**B. Proceedings**

3 The record on the file suggests that the Respondent submitted its response on the intervention of this commission on April 07, 2022 and its text is as under:

"Ex-MVRDE (Military Vehicle Research and Development Establishment), es ARDE (Armament Research and Development Establishment), and ex-IOP (Institute of Optronics) were formerly subordinate departments of DGMP under MoDP. However, as per the vision of the federal government for institutional reforms, DGRDE was created after re-organization of these three departments. For re-structuring of these three departments, following documents may be linked:

- i. Minutes of 13<sup>th</sup> meeting of implementation committee (Annex-B)
- ii. IRC Report (Annex-C)
- iii. Cabinet Division Memoranda No. 4-11/2019-Min-1 dt 14 April and 30 November (Annex-D) (Annex-E)
- iv. Ministry of Defence Production letter No. 4/27/DP-9/2020 dt 11<sup>th</sup> May, 2020 (Annex-F)
- v. Finance Div.'s No. 9(1)R-2/2021-426 dt 23.08 2021 (Annex-G)"

Re-organization entails revision of TO&E and avoiding of duplication in task assignment ultimately leading to rationalization of manpower and rightsizing. Therefore, re-organization inevitably leads towards merger. The applicant is part of 02x writ petitions filed in Lahore High Court Rawalpindi Bench against this decision of federal government and there has been no stay order issued by court in any of the petitions. Further, it is interesting to note that the individual is drawing his pay from RDE rather than ex-IOP. Moreover, the account heads of ex-MVRDE, ex-ARDE and ex-IOP have been abolished and single budget is allotted to RDE. Further the Head of department has been declared as DGRDE by Finance Division and relevant amendment has been made in FR and SR and the former heads of departments of ex-MVRDE, ex-ARDE, and ex IOP stand abolished.

It is submitted that the applicant had requisitioned information using letter head of an abrogated organization which is no longer in official use. Further, the matter is subjudice and letters with abrogated letter head of IOP are not entertained. The applicant is in complete knowledge of that as he filed petition on 02-10-2020 against the government decision and is creating unnecessary correspondence with the department. The letter which he purportedly wrote to RDE for seeking information was written on 20-01-2022 Also, disciplinary cases are under process against the applicant on accounts of disobedience, misconduct and absence from place of duty without intimation to officers. The applicant has approached almost every official/legal forum against the decision of federal government for re-organization/re-structuring of MVRDE, ARDE and IOP as RDE. The applicant- being a part of the organization is in knowledge of the fact that Re-organization is a time taking process. Still, the applicant has barged not only the department but also the Ministry with unnecessary correspondence just for the reason that they might use it against the department in court

As per Right of Access to Information Act, 2017, section 11(2), "a request shall in writing be made in any manner in which the public body has the facilities to receive it, including in person, by mail, fax, online or email". It is worth mentioning here that any letter or correspondence with abrogated letter heads is not received and registered in CR of RDE. The reported request was not "made in a manner in which RDE could receive it" and was never received in Cr of RDE, Further, Section 11(3) of the Ibid Act States,"...which includes a complete address and contract details for delivery of the information or record shall be treated as request". It is stated in this regard that after acquiring the 'request' from Pakistan Information Commission it was found out that no address or contract details for delivery of information or record has been provided by the applicant. Though an officer of the Public Body in question, the applicant is charged of

continuous absence from duty and disciplinary proceedings are under way in respect of the officer for continuous absence from duty along with other charges of misconduct, misconduct, disobedient, etc. The appeal may be treated in this backdrop pl.

Para-wise Reply

Para-Wise Reply of the Information sought as per appeal No. E224-02/2022 is as follows:

<p>a. Sanction of the President of Pakistan clearly stating exact words "Dissolving/merging of IOP" on or before 11. 05. 2020.</p>	<p>The federal government has approved reorganization of ex-ARDE, ex MVRDE and ex-IOP as new Executive department named as DGRDE. In a court case in which Cabinet Division is a party, it has submitted its reply regarding legality of formation of DGRDE as under:</p> <p>"The rules have been framed in exercise of the powers conferred by Article 90 and 99 of the constitution by the federal Govt. Under the Rules of Business (1973), DGRDE (After re organization of MVRDE, ARDE and IOP) has been established as an executive Department with the approval of the Federal Cabinet."</p>
<p>b. Establishment Division notification for appointment of Director Optronics with approval of the Prime Minister of Pakistan being Appointment Authority as per Rule 6 of Civil Servants (Appointment Promotion and Transfer) Rules, 1973 on or before 11.05.2020</p>	<p>The same cannot be provided and is exempted from disclosure as per section 7(c) of the Right of Access to Information Act, 2017, which states, "Any intermediary opinion or recommendation, subject to a final decision by the public body" is excluded from disclosure</p>
<p>c. TO/E duly approved and authenticated with the sanction of the President of Pakistan showing post of Director Optronics RDE and Budget Officer RDE on or before 11.05.2020</p>	<p>The TO&amp;E is at its final stages of finalization; after thorough deliberative process, meetings and correspondence, establishment division has recommended the TO&amp;E and is currently under process with MOD. The same cannot be provided and is exempted from disclosure as per section 7(c) of the Right of Access to Information Act, 2017, which states, "Any intermediary opinion or recommendation, subject to a final decision by the public body" is excluded from disclosure.</p>
<p>d. Statutory Regulatory Order showing my service in RDE as Budget Officer on or before 11.05.2020.</p>	<p>The same cannot be provided and is exempted from disclosure as per section 7(c) of the Right of Access to Information Act, 2017, which states "any intermediary or recommendation , subject to a final decision by the public body is excluded from disclosure</p>
<p>e. Authorization of RDE to exercise Executive Authority of Federation and Conduct Business of Federal Government on or before 11.05.2020."</p>	<p>g) Following may be linked in this regard (the applicant has a copy of all these documents):</p> <p>i. Minutes of 13th meeting of implementation committee ii. IRC Report iii. Cabinet Division Memoranda No. 4-11/2019-Min-I dt 14th April and 30th November iv. Ministry of Defence Production letter No.4/27/DP-9/2020 dt 11th May, 2020 Finance Div.'s No. 9(1)R-2/2021-426 dt 23.08.2021 V vi. Copy of comments of Cabinet Division submitted in Court in writ petition No. 1847 of 2021 Further, it is submitted that Cabinet Division is in the</p>

	<p>process of amending rules of business soon; a draft was received in this ministry also whereby DGRDE has been declared as an executive department under Mo DP and thus has authorization to exercise Executive Authority of Federation and Conduct Business of Federal Government</p>
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Ending Notice:

No department is ever raised with a stroke of pen; after principle approval of the government to raise a department, there is a lot of work that actually goes into establishing the department. Such is the case with RDE which has been established after re-organization of ex-ARDE, ex MVRDE and ex-IOP. There is a lot of work that had to be done for the transition from three departments to one department. The procedure takes time- a lot of time, as there is dependency upon a lot of things; there was pandemic and the ministries were working at 50% capacity; transition depends upon different ministries and departments which work at different pace and undergo detailed deliberations before giving any decision; routine business allotted to the ministry and distributed among its sub-ordinate departments had also to be carried on effectively. Since the day of approval by federal government, the ministry in close coordination with RDE is deliberating upon revision of TO&E which is a tedious process as 03 different organizations with different TORS are being re-organized as DGRDE as per federal government direction. So, every appointment has to be deliberately considered to avoid duplication and keeping in line with the revised mandate of RDE. The revised TO&E has approval of Establishment Division (MS Wing) and is now being processed with relevant quarters. Being a gazette officer, he should have exhibited more patience and prudence which is expected of an ex-cadre officer.

One has to be wary of such people who exploit this transitional period and act to obstruct the smooth functioning of any public body and ultimately hurting the interest of the state. The applicant doesn't seem to be demanding information (about which he has been aware since 02-10-2020 the date of writ petition) for sake of consumption or any purpose that might help him in discharge of his duties, rather as a pretext to avoid discharging his duties and to question the decisions of the federal government which he could present as an evidence of correspondence before the court.

It needs consideration that while the matter is also subjudice, is the disclosure of information allowed under such circumstances or not. After reorganization of ex-ARDE, ex-MVRDE and ex-IOP as DGRDE, out of total manpower of around 570 employees, only 03 are exhibiting mala fide intent about re-organization and are unwilling to follow good orders of their seniors or cooperate with their colleagues. Because of their misconduct, disobedience and other charges, more than 05 inquiries have been initiated against these 03 individuals. The applicant is also a part of various court cases on similar grounds as asked in his letter under question. The applicant has sought verdict from court on the plea that the documents (as requisitioned in his letter) don't exist, whereas on the other hand, he is requisitioning the documents negating his own claims. He can't ask for documents for which he has claimed before the court that they don't exist. He should be doing either of the two things: whether ask for documents or negate their existence

4 The Appellant submitted his response on April 14, 2022 and its text is as under:

Reference Honorable Pakistan Information Commission Appeal No E224-02/22 dated April 07, 2022 on the subject cited above. It is stated that the Ministry of Defence Production has denied provision of information. Therefore, I am

completely dissatisfied from the response of Ministry of Defence Production on following grounds:

" a. That no intermediary opinion or recommendation subject to a final decision by a public body is sought. Definite Sanction of President of Pakistan is sought for dissolving merging of IOP Ministry of Defence Production has admitted abrogation of IOP in Para 3 of Foreword RDE is exercising definite authority for abolishment of IOP. But relevant information was denied to be provided

b That no intermediary opinion or recommendation subject to a final decision by a public body is sought. Definite Gazette Notification for appointment of Director Optronics is sought. Director Optronics is exercising authority in the department and has submitted reply as Director Optronics in Honorable Lahore High Court Rawalpindi Bench in WP. No 1430-21 relevant information was denied to be provided.

c- That no intermediary opinion or recommendation subject to a final decision by a public body is sought Duly approved TO&E and authenticated with the sanction of the President of Pakistan for the post of Director Optronics RDE and Budget Officer RDE along with Gazette Notification for SRO relating to terms and condition of service of Budget Officer was sought. Because my salary Department has been changed from IOP to RDE. Definite actions have been initiated by RDE. Because pay is to be drawn against a post and appointment is to be made in accordance with notified SRO by the Appointing Authority. Ministry of Defence Production has admitted that my salary has been changed to RDE in para 2 of Foreword. But relevant information was denied to be provided That RDE is actively exercising Executive Authority of Federation and conducting business of Federal Government. But relevant information was denied to be provided.

5 Hearing on the instant Appeal was fixed for June 26, 2022 *vide letter dated June 17, 2022. The Respondent was represented by name, designation and department. The Appellant also attended the hearing.*

*The Respondent submitted its response and its text is as under:*

Para No	Information Sought	Reply
1a	That no intermediary opinion or recommendation subject to a final decision by a public body is sought. Definite Sanction of President of Pakistan is sought for dissolving merging of IOP Ministry of Defence Production has admitted abrogation of IOP in Para 3 of Foreword RDE is exercising definite authority for abolishment of IOP. But relevant information was denied to be provided	Cabinet Division Memorandum No. 4- 11/ 2019-Min-I dated 14 April 2020 and even No. dated 30 Nov 2020 are attached herewith. It was the decision of the Federal Government to re-organize (among other Federal Govt Departments) ex- MVRDE, ex-ARDE and ex-IOP as RDE. The decision was conveyed to all concerned ministries by the cabinet vide the letter attached after due approval from competent authority. It is not within the domain of MoDP to provide you with signature/sanction of president for which Cabinet Division got approval. Cabinet Division may be approached in this regard.

1b	That no intermediary opinion or recommendation subject to a final decision by a public body is sought. Definite Gazette Notification for appointment of Director Optronics is sought. Director Optronics is exercising authority in the department and has submitted reply as Director Optronics in Honorable Lahore High Court Rawalpindi Bench in WP. No-1430-21 relevant information was denied to be provided.	The same is in process
1c-d	That no intermediary opinion or recommendation subject to a final decision by a public body is sought Duly approved TO&E and authenticated with the sanction of the President of Pakistan for the post of Director Optronics RDE and Budget Officer RDE along with Gazette Notification for SRO relating to terms and condition of service of Budget Officer was sought. Because my salary Department has been changed from IOP to RDE. Definite actions have been initiated by RDE. Because pay is to be drawn against a post and appointment is to be made in accordance with notified SRO by the Appointing Authority. Ministry of Defence Production has admitted that my salary has been changed to RDE in para 2 of Foreword. But relevant information was denied to be provided	The same is in process
1e	That RDE is actively exercising Executive Authority of Federation and conducting business of Federal Government. But relevant information was denied to be provided.	RDE is exercising executive authority of Federation under the authority of Cabinet Division Memorandum No. 4- 11/2019-Min-I dated 14 Apr 2020 read with even No. dated 30 Nov 2020, And MoDP letter No. 4/27/DP-9/2020 dated 11 May 2020 Copies of above mentioned documents are enclosed with this reply

6 The Respondent submitted another response on June 09, 2022. Is an under:

Ser	Information Sought	Reply
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Para d	Statutory regulatory order showing my service in RDE as Budget officer on or before 11.05.2020.	The officer is still working as budget officer and no change in terms and conditions of the officer has been made (copy attached). It is written in the offer of appointment that the officer "will be liable to be transferred anywhere in Pakistan". The DO Part-I shows the appointment of the officer as Budget officer of OP Date (Annex-C). The salary slip is attached along with DO-part-1 showing the officer in BPS-17 working in RDE (OP Date).
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7 The Appellant submitted his response on June 21, 2020 and its text is as under:

1	2	3	4	5	6	7
a	Sanction of the President of Pakistan clearly stating exact words "Dissolving/merging of IOP" on or before 11. 05. 2020.	<p>The federal government has approved reorganization of ex-ARDE, ex MVRDE and ex-IOP as new Executive department named as DGRDE. In a court case in which Cabinet Division is a party, it has submitted its reply regarding legality of formation of DGRDE as under:</p> <p>"The rules have been framed in exercise of the powers conferred by Article 90 and 99 of the constitution by the federal Govt. Under the Rules of Business (1973), DGRDE (After re organization of MVRDE, ARDE and IOP) has been established as an executive Department with the approval of the Federal Cabinet."</p>	<p>That no intermediary opinion or recommendation subject to a final decision by a public body is sought. Definite Sanction of President of Pakistan is sought for dissolving merging of IOP Ministry of Defence Production has admitted the abrogation of IOP in Para 3 of Foreword RDE is exercising definite authority for abolishment of IOP. But relevant information was denied to be provided</p>	<p>Cabinet Division Memorandum No. 4-11/2019-Min-I dated 14 Apr 2020 and even No. dated 30 Nov 2020 are attached herewith it was the decision of the federal govt departments) ex-MVRDE, ex-ARDE and ex-10P as RDE. The decision was conveyed to all Concerned ministries by the cabinet vide. The letter attached after due approval from complete authority. It is not within the domain of MoDP to provide you with signature/sanction of president for which cabinet Division got approval. Cabinet Division may be approached in this regard.</p>	Not replied	<p>MoDP in its reply dated 07.04.2022 in para 3 of Foreword has admitted abrogation of IOP and has practically abolished IOP. MoDP has advised in reply dated 21.05.2022 to approach Cabinet Division for information. It means MODP has relevant document on the basis of which IOP has been abolished and willfully denied to be provided.</p>

b	<p>b. Establishment Division notification for appointment of Director Optronics with approval of the Prime Minister of Pakistan being Appointment Authority as per Rule 6 of Civil Servants (Appointment Promotion and Transfer) Rules, 1973 on or before 11.05.2020.</p>	<p>The same cannot be provided and is exempted from disclosure as per section 7(c) of the Right of Access to Information Act, 2017, which states, "Any intermediary opinion or recommendation, subject to a final decision by the public body" is excluded from disclosure</p>	<p>That no intermediary opinion or recommendation subject to a final decision by a public body is sought. Definite Gazette Notification for appointment of Director Optronics is sought. Director Optronics is exercising authority in the department and has submitted reply as Director Optronics in Honorable Lahore High Court Rawalpindi Bench in WP. No 1430-21 relevant information was denied to be provided.</p>	<p>The same is in process</p>	<p>Not replied</p>	<p>MoDP has admitted that no officer has yet been appointed as Director Optronics RDE. The same is in process.</p>
c	<p>TO/E duly approved and authenticated with the sanction of the President of Pakistan showing post of Director Optronics RDE and Budget Officer RDE on or before 11.05.2020.</p>	<p>The TO&amp;E is at its final stages of finalization; after thorough deliberative process, meetings and correspondence, establishment division has recommended the TO&amp;E and is currently under process with MOD. The same cannot be provided and is exempted from disclosure as per section 7(c) of the Right of Access to Information Act, 2017, which states, "Any intermediary opinion or recommendation, subject to a final decision by the public body" is excluded from disclosure.</p>	<p>d That no intermediary opinion or recommendation subject to a final decision by a public body is sought Duly approved TO&amp;E and authenticated with the sanction of the President of Pakistan for the post of Director Optronics RDE and Budget Officer RDE along with Gazette Notification for SRO relating to terms and condition of service of Budget Officer was sought. Because my salary Department has been changed from IOP to RDE. Definite</p>	<p>The same is in process</p>	<p>Not replied</p>	<p>MODP has admitted that there is no notified TO&amp;E of RDE having post of Director Optronics and Budget Officer RDE. The same is in process.</p>



			<p>actions have been initiated by RDE. Because pay is to be drawn against a post and appointment is to be made in accordance with notified SRO by the Appointing Authority. Ministry of Defence Production has admitted that my salary has been changed to RDE in para 2 of Foreword. But relevant information was denied to be provided That RDE is actively exercising Executive Authority of Federation and conducting business of Federal Government. But relevant information was denied to be provided</p>			
d	<p>d. Statutory Regulatory Order showing my service in RDE as Budget Officer on or before 11.05.2020.</p>	<p>The same cannot be provided and is exempted from disclosure as per section 7(c) of the Right of Access to Information Act, 2017, which states “any intermediary or recommendation , subject to a final decision by the public body is excluded from disclosure</p>	-d0-	-do-	<p>The officer is still working Budget Officer and No change in terms and condition of the officer has been made (copy attached). It is written in the offer of appointment of officer as budget officer of OP DTE (Annex-C) The salary slip is attached along with DO part –I showing officer in BPS-17 working in RDe (OP DTE)</p>	<p>MODP initially admitted that SRO for post of Budget Officer RDE is at intermediary phase and not yet notified. And now MoDP has stated that I have been appointed as Budget Officer RDE, while no post and SRO is notified. The statement is very conflicting as in the absence of post and SRO how I was appointed? How my salary was transferred to RDE? MODP is again in wilfull denial of information. The annexures mentioned in reply dated 08.06.2022</p>

						have not been provided by MODP.
e	Authorization of RDE to exercise Executive Authority of Federation and Conduct Business of Federal Government on or before 11.05.2020.”	g) Following may be linked in this regard (the applicant has a copy of all these documents):  i. Minutes of 13th meeting of implementation committee ii. IRC Report iii. Cabinet Division Memoranda No. 4-11/2019-Min-I dt 14th April and 30th November iv. Ministry of Defence Production letter No. 4/27/DP-9/2020 dt 11th May, 2020 Finance Div.'s No. 9(1)R-2/2021-426 dt 23.08.2021 V vi. Copy of comments of Cabinet Division submitted in Court in writ petition No. 1847 of 2021 Further, it is submitted that Cabinet Division is in the process of amending rules of business soon; a draft was received in this ministry also whereby DGRDE has been declared as an executive department under MoDP and thus has authorization to exercise Executive Authority of Federation and Conduct Business of Federal Government	The RDE is actively exercising executive authority of federation and conducting business of federal government. But relevant information was denied to be provided	RDE is exercising executive authority of federation under the authority of Cabinet Division Memorandum No. 4-11/2019-Min-I Dated 14 Apr 2020 read with even No. 30 Nov 2020. And MoDP letter No. 4/27/DP-9/2020 dated 11 May 2020/. Copies of above mentioned documents are enclosed with this reply.	Not replied	MoDP has admitted that RDE is exercising authority of federation and conducting business of federal government. Cabinet Division memo (not Notification) dated 14 Apr 2020 is referred, in which Cabinet has clearly stated that RDE is not included in Rules of Business, 1973. but notification of Cabinet Division to this extent has not been provided.

### C. Issues

8 The instant appeal has brought to the fore the following issues:-

- (a) Can motives of the Appellant be a factor in deciding whether the requested information is to be provided or not?

- (b) Can the requested information be disclosed under the Right of Access to Information Act, 2017, henceforth referred to as “the Act 2017”, or, is it exempted under Section 7 (c) of “the Act 2017?”

D Discussion and commission’s views on relevant issues:

9- This commission holds that the Respondent, instead of dwelling upon the motives of the Appellant for seeking the information, should have decided on his request for information under the provisions of the Act, 2017.

10- This commission holds that every citizen of Pakistan has locus standi to seek information from public bodies and under Section 11 (5) of the Act, 2017, officials are specifically forbidden to ask the applicant to submit reasons for seeking information. This also means that the officers are not supposed to dwell upon the motives for seeking the information.

11- The Respondent has submitted that “Ex-MVRDE (Military Vehicle Research and Development Establishment), ex ARDE (Armament Research and Development Establishment), and ex-IOP (Institute of Optronics) were formerly subordinate departments of DGMP under Mo DP. However, as per the vision of the federal government for institutional reforms, DGRDE was created after re-organization of these three departments”. The Respondent also submitted that “Re-organization entails revision of TO&E and avoiding of duplication in task assignment ultimately leading to rationalization of manpower and right sizing. Therefore, re-organization inevitably leads towards merger”.

12 The Respondent has denied access to requested documents on the grounds that as process of re-organisation is underway, the requested documents are part of internal deliberations and no final decision has been taken yet. This commission concurs with the stance of the Respondent.

13 The Respondent stated and also submitted in writing in Appeal No. E284-05/22, in the case of Syed Mustaneer Jaffar Vs Ministry of Defence Production that “the post of DG(RDE) is specifically reserved for Major General of Pakistan Army” and that posting / transfer / appointment orders are issued by GHQ. The Respondent also submitted before this commission that neither a separate notification is issued by Establishment Division nor or Ministry of Defence.

14 This commission holds that that the requested records cannot be disclosed under Section 7 (e) of the Right of Access to Information Act, 2017 as these records pertain to the internal matter of posting/transfers of the Pakistan Army.

15 This commission holds that as the Appellant has submitted before this commission that “The annexures mentioned in reply dated 08.06.2022 have not been provided”, the same should be provided.

16 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.

17- 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.

18- 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.

19- 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**

20 The Appeal is partially allowed. The Respondent is directed to provide the Appellant The annexures mentioned in reply dated 08.06.2022 at the earliest but not later than 10 working days of the receipt of this Order.

21 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 10 working days of the receipt of this Order.

22 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](http://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.

23- Copies of this order be sent to the Respondent and the Appellant for information.

**Mohammad Azam**  
Chief Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Announced on: October 19, 2022

This order consists of 13 (thirteen) pages, each page has been read and signed.