



In the Pakistan Information Commission, Islamabad

Appeal No 2142-08/22

Malik Ummar Ali

(Appellant)

Vs.

Directorate General of Immigration and Passports

(Respondent)

ORDER

Date: October 25, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Malik Ummar Ali dated August 18, 2022, stating that he submitted an information request dated July 29, 2022 under the Right of Access to Information Act 2017 to Director General, Directorate General of Immigration and Passports. 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:

"یہ کہ معلومات اور تفصیلات جاننا چاہتا ہوں کہ اسلامی جمہوریہ پاکستان کے آئین کے آرٹیکل 251 کے نفاذ کے لئے معزز سپریم کورٹ آف پاکستان کے 2015ء کو جاری کئے گئے احکامات کی روشنی میں چھ سال سے زائد عرصہ گزر جانے کے باوجود کیا عملی اقدامات کئے گئے ہیں؟"

B. Proceedings

3. Through a notice dated August 31, 2022 sent to Director (HQ) / Public Information Officer, Directorate General of Immigration and Passports, 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 October 04, 2022 and both parties were informed through notices sent on September 16, 2022. Mr. Muhammad Sadiq Khan, Assistant Director (Policy), Directorate General of Immigration and Passports attended the hearing and requested time for submission of response/information. Hearing was adjourned for October 11, 2022.
5. No one appeared before the Commission to attend the hearing held on October 11, 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 to as Act.
7. The information/documents requested by the Appellant in the instant appeal belong to the Section 6 (a) of the Act.
8. The appellant wants to know the development made for the implementation of the Article 251 of the Constitution of Islamic Republic of Pakistan that is regarding the usage of "Urdu Language" as official language.
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 (HQ) / Public Information Officer, Directorate General of Immigration and Passports 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 (HQ) / Public Information Officer, Directorate General of Immigration and Passports and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: October 25, 2022

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