

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 2097-07/22

Zahid Bashir

(Appellant)

Vs.

Islamabad Boy Scouts Association

(Respondent)

ORDER

Date: November 02, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Zahid bashir through his council Moneeb Ahmed dated July 26, 2022, stating that he submitted an information request dated April 25, 2022 under the Right of Access to Information Act 2017 to Provincial Commissioner, Islamabad Boy Scouts Association. 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 سائل کے علم میں آیا ہے کہ ایسوسی ایشن ہذا میں بڑے پیمانے پر ملازمین کی بھرتیاں کی گئی ہیں جن میں بہت سارے ملازمین مطلوبہ پوسٹ کے اہل نہیں تھے جن پر ان کو ملازمت دی گئی۔

آپ سے گزارش ہے کہ سائل کو تمام ملازمین فہرست، اخبار اشتہار کی کاپی، تاریخ ملازمت، تنخواہ ملازمین، تمام ملازمین کی کوالیفیکیشن اور عہدے کے نام ساتھ مہیا کی جائے۔

B. Proceedings

3. Through a notice dated August 01, 2022 sent to Secretary, Islamabad Boy Scouts Associations, 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 Respondent through a letter vide No F-1/9/2021/Misc/Admin dated August 26th, 2022 submitted response which is as under:

“Please refer to Pakistan Information Commission’s letter /Appeal No. 2097-07/2022 dated 01st August, 2022 on the above subject and to submit the following facts for your kind perusal and orders.

- a. The applicant is neither an authorized member of the Provincial Council or Executive Committee nor a life member of IBSA. However, a life member is appointed by the Provincial Executive Committee headed by the Provincial Commissioner. Further, a life Member can only be the member of the Provincial Council of the Association if recommended by the appropriate forum.*
- b. It may be mentioned here that earlier he has submitted an application to the provincial Secretary, IBSA on 21-03-2021 and made a number of observations including appointment of the present employees of IBSA. The points raised by him were fully examined and a detailed reply was given to him clarifying the factual position vide letter of even number dated 25-03-2022. Consequently, he has filed a Writ petition No. 1127/2022 before the Honorable High Court Islamabad. As desired by the court, we have already filed parawise comments in the Honorable Court for their kind perusal and orders. The case is sub-judice the next date of hearing is fixed on 31-10-2022. As soon as a final verdict is passed by the Honorable Court, the same will be followed in letter and spirit in accordance with law.*

In view of the position explained above it is requested that the appeal of the applicant may kindly be disposed of.”

5. The response submitted by the Respondent was shared with the appellant on August 31, 2022.
6. The Appellant on September 05, 2022 has submitted rejoinder to the response of the public body which is as under:

“Please refer to Pakistan Commission’s Appeal No. 2097-07/2022 on the above subject, the information shared by Islamabad Boy Scouts Association is totally irreverent and reply is unsatisfactorily.

Information Requested.

- 1. Details of advertisements in the daily newspapers for the vacant posts.*
- 2. Complete list of the candidates, who applied for vacant posts.*
- 3. List of the short listed candidates.*
- 4. Complete list of the appointed / successful candidates with:*
 - i. Date of appointment*
 - ii. Qualification*
 - iii. Monthly salary package.*
 - iv. Experience*
 - v. Age”*

7. Rejoinder submitted by the Appellant was shared with the Respondent on September 07, 2022 with the directions to respond to the queries of the Appellant within 10 working days.
8. The appeal was fixed for hearing on October 25, 2022 and both parties were informed through notices sent on October 04, 2022. No one appeared before the Commission to represent the public body in the hearing held on October 25, 2022.

C. Discussion and Commission's View on Relevant Issues

9. The commission has to decide whether the respondent has provided relevant and complete information to the appellant as requested under the Right of Access to Information Act, 2017, hereafter referred to as Act.
10. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (e) of the Act, which is as under:

(e) "The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body"
11. The Respondent instead of addressing the information request of the Appellant in its response dated August 26, 2022 has raised objections on his membership. Moreover, if any Writ Petition filed by the appellant is pending before any court against the Respondent, it does not bar him from exercising his fundamental right of Access to Information.
12. This Commission through multiple orders including the order in appeal titled "Saif Ullah Awan vs Pakistan Environmental Protection Agency" has held that the record regarding the recruitment in a public body is public document and it should be available on the websites of the public bodies to ensure transparency in the recruitment process of the government departments.
13. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies demonstrates that public bodies have not carried out steps for the proactive disclosure of information as required under Section 5 of the Act, 2017.
14. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.

15. 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

16. Appeal is allowed. Secretary, Islamabad Boy Scouts Associations 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.
17. The Respondent is also directed to take immediate steps to proactively share through the website 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 30 days of the receipt of this Order.
18. The Respondent is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
19. Copies of this order be sent to Secretary, Islamabad Boy Scouts Associations and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: November 02, 2022

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