

Appeal No. 1972-06/2022

Naeem Sadiq

Vs

Defence Housing Authority, Karachi

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Naeem Sadiq filed an application under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through his application dated May 18, 2022 addressed to the he has requested the following information:

- i. *“Number of daily wage janitors employed through DHA Janitorial Services at each location / institution / Department of DHA, such as DHA Head Office, DHA Club, Phase 2 etc.*
- ii. *Monthly Salary actually received by each of these daily wage janitors. Please mention actual salary paid to janitors and not what is written in contract between DHA and the contractor.*
- iii. *Please mention EOBI numbers in case they are registered with EOBI.*
- iv. *Please mention if each of these janitors was given an “Employment Letter”? If so, please send 4 to 6 such letters as sample.”*

2. Feeling aggrieved for the non-provision of information, he has filed an application before the Pakistan Commission on access to information.

B. PROCEEDINGS

3. The Administrator, Defence Housing Authority, Karachi vide letter dated 20-06-2022, was directed to provide reasons in writing within
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seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 3.8.2022 but neither was the reply submitted nor any one appeared to represent the respondent public body.

C. COMMISSION'S VIEW

5. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
6. The bare reading of the rest of the request depicts that the information and record sought by the appellant is enlisted in the category of public record as defined in the Act. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.
7. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing

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corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

8. The appeal is allowed. The Administrator, Defence Housing Authority, Karachi is directed to furnish the appellant all the requested information and record, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 16.08.2022

Certified that this order consists of 03 pages, each page has been read and signed.