

Appeal No. 2020-06/2022

Majid Abbas Gondal

Vs

Evacuee Trust Property

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Majid Abbas Gondal, Advocate filed an application under the Right of Access to Information Act, 2017. Through his application dated 07-06-2022 addressed to the Deputy Administrator, Evacuee Trust Property, Government of Pakistan, Sargodha he has sought the following information *vis-a-vis* the auction of lots number 25, 28, 29, 30 and 30A dated 30-05-2022, situated in Moza Bhera, District, Sargodha:

(1) متعلقہ اتھارٹی کی طرف سے جاری کردہ آرڈر جس کی رو سے لاٹ " نمبر 25، 29، 28، 30، 30A-اے، اکٹھی کر کے نیلامی کے آرڈر کیے گئے۔ اس کی کاپی درکار ہے۔

(2) لاٹ نمبر Status زرعی سے ارین کب کیا گیا۔ اس کی تفصیل دی 25، 29، 28، 30، 30A-اے کا جائے۔

کس کمپنی سے کروائی گئی، کتنی ویلیو لگی اور ویلیو کے اوپر کتنا
(3) لینڈ ویلیو Assessment
NSR ضروری ہوتا ہے۔

(4) نیلامی کمیٹی میں شامل ارکان کے نام و عہدہ کی تفصیل دی جائے۔

(5) بولی دہندگان کے نام، ولدیت، شناختی کارڈ نمبر، موبائل نمبر اور ان کی طرف CDR سے دئیے بینک نمبر اور حاضری شیٹ کی کاپی درکار ہے

(6) بولی کا مقرر کردہ وقت کیا تھا اور بولی کس وقت شروع ہوئی۔

(7) نیلامی کمیٹی کی سفارشات جو کہ عزت مآب جناب چیئرمین صاحب کو بھیجی گئیں اس کی کاپی دی جائے۔

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(8) Terms & Conditions کیا کیا تھیں اور انہیں اخبار اشتہار میں شائع کیا گیا کہ اس نیلامی کی نہیں۔ اس کی تفصیل دی جائے۔

(9) جناب چیئرمین صاحب کی طرف سے نیلامی منسوخی کے آرڈر کی کاپی فراہم کی جائے۔"

2. Feeling aggrieved for the non-provision of information within the stipulated period provided under the Act he has filed appeal before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Chairman, Evacuee Trust Property Board, Lahore vide letter dated 29-06-2022, was directed to provide reasons in writing within 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.

Appeal No. 2020-06/2022

6. The appellant has asked for the provision of the authority letter of the competent authority for the auction of lot number 25, 28, 29, 30 and 30A dated 30-05-2022, situated in Moza Bhera, District Sargodha. He is further desirous to seek information and record through which the status of the said lots was converted from agriculture to urban, the details of assessment of land value, names and designations of the auction committee, the detail and particulars of the auction and auctioneers, the recommendations made by the auction committee to the Chairman, terms and conditions and newspaper advertisement, if any and the copy of the order for the cancelation of the auction by the Chairman.
7. The bare reading 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. The respondent public body was under compulsion to proactively publish including advertisement through the newspaper, display on the notice board of the concerned offices and uploading over the internet in a manner to ensure its accessibility to the citizens for providing a fair chance of participating in the auction and to ensure that the auction proceedings are conducted in transparent manner.
8. 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 corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

9. The appeal is allowed. The Chairman, Evacuee Trust Property Board, Lahore is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

Appeal No. 2020-06/2022

10.He is further directed to ensure the implementation of section 5 of the Act within three weeks from receiving of this order, under intimation to the Commission by or before 23.09.2022.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 16.08.2022

Certified that this order consists of 04 pages, each page has been read and signed.

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

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E. APPEAL

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14. 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.

G. COMMISSION'S VIEW

15. 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.

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17. The bare reading 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. The respondent public body was under compulsion to proactively publish including advertisement through the newspaper, display on the notice board of the concerned offices and uploading over the internet in a manner to ensure its accessibility to the citizens for providing a fair chance of participating in the auction and to ensure that the auction proceedings are conducted in transparent manner.

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

H. ORDER

19. The appeal is allowed. The Chairman, Evacuee Trust Property Board, Lahore is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

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