

**Pakistan Information Commission  
Government of Pakistan**

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**In the Pakistan Information Commission, Islamabad**

**Appeal No 2262-10/22**

**Yasir Chaudhry**

**(Appellant)**

Vs.

**Pakistan Housing Authority Foundation**

**(Respondent)**

**ORDER**

**Date:** November 07, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Mr. Yasir Chaudhry dated October 10, 2022, stating that he submitted an information request dated September 20, 2022 under the Right of Access to Information Act 2017 to CEO, Pakistan Housing Authority Foundation. 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:*
  - i. Copies of newspapers of year 2015 in which tender of the above mentioned project was advertised.*
  - ii. Complete detail of all firms who participated in said tender.*
  - iii. Copies of financial bids/ proposals submitted by all firms who participated.*
  - iv. Copies of pay orders of all firms alongwith copies of 2% of financial bidding pay orders.*
  - v. Copy of contract agreements through which contract was awarded (Package-wise).*
  - vi. Copies of Bank Guarantees of 5% as Security of Contracts of 10 Packages and copies of Bank Guarantees of Mobilization Advances furnished by the contractors.*
  - vii. Copy of Cheque No. 22000471 dated 14.01.2016 & No. 22000475 dated 15.01.2016 issued to Standard Chartered Bank Blue Area Branch, Islamabad by PHA Foundation in a favor of contractors.*
  - viii. Copy of letter No. PHA-Firm/Main-AC3(1)2015/712 under which above Cheques were cancelled as issued unlawfully.*

*ix. Copy of Final Inquiry Report of 2016 submitted by the Director Admin PHA Foundation under which recommendations/ findings for cancellation of All Gray Structure Contract Agreement (10 Packages) Houses at PHA Foundation Officers Residentia Kuri Road Islamabad was made.*

*x. Copy of Office Order through which initial scrutiny of all Documents submitted by the all firms was initiated/ made in subject Project.”*

## **B. Proceedings**

3. The appeal was fixed for hearing on November 01, 2022 and both parties were informed through notices sent on October 27, 2022. Syed Amir Gillani, Assistant Director, Pakistan Housing Authority Foundation attended the hearing and requested time for the provision of the information which was allowed and hearing was adjourned for November 03, 2022.
4. Mr. Amir Gillani, Assistant Director, and Mr. Muhammad Naeem, APS, PHA Foundation attended the hearing and submitted partial information which was shared with the appellant. However, the record on file shows that the submitted information is incomplete.

## **C. Discussion and Commission’s View on Relevant Issues**

5. 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.
6. 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”*
7. As the all requested information is public record under the Section 5 of the Act, therefore the public body is bound to provide complete information to the appellant.
8. 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.

9. 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**

10. Appeal is allowed. Director (Admin) / Public Information Officer, Pakistan Housing Authority Foundation 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.
11. 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
12. Copies of this order be sent to Director (Admin) / Public Information Officer, Pakistan Housing Authority Foundation and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: November 07, 2022

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