



In The Pakistan Information Commission, Islamabad

Appeal No 761-12/20

Dr. Syed Raza Ali

(Appellant)

Vs.

Cantonment Board Clifton

Through Cantonment Executive Officer

(Respondent)

ORDER

Date: February 24, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 15-12-2020, to the Commission, stating that he submitted an information request to Cantonment Executive Officer, Cantonment Board Clifton on November 16, 2020 under the Right of Access to Information Act 2017 but did not received any response from the public body.

2. The information sought by the Appellant is as follows:

“I request for the following information on the project “Clifton Icon” at Plot G/6, KDA Sch 5, Clifton, Block 9 Karachi;

- (i) Status of the plot*
- (ii) Certified copy of Layout plan of the plot.*
- (iii) Certified copy of Building plan NOC/permission.*
- (iv) Certified copy of the approved building plan.*
- (v) Certified copy of Sale NOC.”*

B. Proceedings

3. Through a notice dated January 14, 2021 sent to Cantonment Executive Officer, Cantonment Board Clifton, Karachi the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The Respondent through a letter vide No. CBC/BC/11358 dated February 01, 2021 stated that *“this office has already inform to the applicant Dr. Syed Raza Ali Gardezi (General Secretary, Citizen for Environment) vide this office letter No. CBC/BC/G-6, Block-9/1173 dated 27-01-2021. (Copy is enclosed for ready reference.)”*

5. The Appellant in response to the letter of the Respondent submitted his response and stated that *“Subsequent to my filling an appeal with the Pakistan Information Commission against Cantonment Board Clifton for the non-provision of information, I received a letter today from Cantonment Board Clifton (copy attached), agreeing to provide me the requested documents, but demanding Rs 23,500/- for the supply of copies of those documents*

The documents in question are;

- (i) Copies of building construction permission / NOC (1-2 A4 size pages)*
- (ii) Copies of Building Plan (1-2 A3 or A2 size pages)*

To ask Rs 23,500/- for these photocopies is not only exorbitant, but also against the notified Schedule of Costs under the Right of Access to Information Act 2017, which allows free first 50 pages of requested information, and then Rs 2/per page if the pages are more than 50.

Therefore, as per the "Schedule of Costs", the Cantonment Board Clifton should not be demanding any charges for supplying me the copies, as the number of pages is less than 50.

It is therefore requested, that Pakistan Information Commission direct Cantonment Board Clifton to provide me the copies free of any charges, at the earliest."

C. Discussion and Commission's View on Relevant Issues

6. The Right of Access to Information Act 2017 overrides all other laws in matters of access to information through its Section 25 which is as under:

"Act to override other laws--- The provisions of this act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force".
7. Exercising powers vested in this commission under Section 27 of the Act, Pakistan Information Commission has notified 'Schedule of Costs' which overrides any schedule of costs, adopted by any federal public body when seen in juxtaposition with Section 25 of the Right of Access to Information Act 2017. Hence, the Respondent can only charge fee for the provision of certified copies of the requested records as dictated by the 'Schedule of Costs' notified by the commission and made available on its web site.
8. It is rightly said that while secrecy breeds corruption, transparency serves as an antidote to corrupt practises. This commission is of the view that if concerned federal public bodies proactively disclose building plans, permissions, notices, permits and agreements as required under the Section 5 of the Act, it will lead to reduction of corruption and help bridge trust gap between citizens and public bodies.
9. This commission has held through its different detailed judgements that federal public bodies are not giving primacy to proactive disclosure of information through their web sites and that proactive disclosure of information is not given serious consideration it deserves.
10. This commission has also established through its different Orders that not only information is to be made available to citizens as required under Section 5 of the Act but it has to be made available on the web sites in a manner that it is accessible for all citizens, including those with different disabilities by incorporating web accessibility standards in the design and development of web site.

D. Order

11. The appeal is allowed. Executive Officer, Cantonment Board Clifton is directed to provide the requested information to the Appellant, with intimation to this commission, under provisions of the Schedule of Costs notified by Pakistan Information Commission, available on its web site.
12. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification to this effect on its web site as required under Section 5 (1)

(b) of the Act, put name, designation and contact details of the PIO on its web sites 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.

13. The Respondent is 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 by 30/03/2021.
14. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 by 30/03/2021.
15. Copies of this order be sent to Executive Officer, Cantonment Board Clifton and the Appellant for information and necessary action.

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

February 24, 2021

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