

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 179-11/2019

Maj® Amer Aziz

(Appellant)

Vs

Cantonment Board Abbottabad

(Respondent)

Date: 17.02.2020

Fawad Malik: Information Commissioner

A. APPEAL:

1. The appeal in hand is filed before the Commission by Mr. Maj (Retd) Amer Aziz (Appellant) under the Right of Access to Information Act 2017, complaining therein that he had requested for the provision of necessary information/documents from the office of Executive Officer, Cantonment Board Abbottabad (Respondent) regarding construction of Cantt Public School/College Abbottabad and newly constructed Cantt Board Abbottabad office situated near MEO office Abbottabad, but the requested information has not been shared with the appellant.

2. Through the two applications dated 7.2.2019 regarding School/College and dated 15.2.2019 regarding Cantt Board Office the appellant has sought the following information/documents in the public interest;

“I. Regarding construction of Cantt Public School/College Abbottabad.

- a. Copy of contract awarded to Mr. Wajid Iqbal.
- b. Design/ Building plan of the school/ college.
- c. Mode of payment.
- d. Tech/ Final Inspection Report prepared, if any.
- e. Total cost/ payment made to the contractor as well as schedule/ mode of payment made to the contractor.

II. Regarding newly constructed Cantt Board Abbottabad Office near MEO Office.

- a. Copy of the contract awarded to contractor.
- b. Design/ Building plan of the school/ college.
- c. Mode of payment.
- d. Tech/ Final Inspection Report prepared, if any.
- e. Total cost/ payment made to the contractor as well as schedule/ mode of payment made to the contractor.”

3. With reference to receipt Nos. DAK ID 45088 & DAK ID 45087 both dated 21.2.2019 of the above mentioned two applications the appellant submitted another application/reminder in the office of the respondent, for the provision of the above mentioned requested information/ documents vide Diary No. 48938 Dated 19.9.2019, fortifying his constitutional and statutory right in aid of Section 98 of The Cantonment Ordinance 2002.

B. PROCEEDINGS.

4. The respondent was served with a notice dated 28.11.2019 with the direction to provide reasons within seven working days as to why the requested information/record has not been provided to the applicant as required under section 14 of the Act, as each public body is bound to respond as soon as possible and in any case within ten working days of the receipt of the request.

5. The notice was not responded by the respondent hence the appeal was fixed for hearing before the Commission on 22.01.2020 and both the parties were informed accordingly vide notice of hearing dated 23.12.2019.

6. No one appeared before the Commission on behalf the respondent public body at the time of hearing.

C. COMMISSION'S VIEW

7. The appellant has requested for the provision of information/ documents regarding construction of Cantt Public School/ College, Abbottabad and newly constructed Cantt Board Abbottabad office in the public interest. Copy of contract, building plan, mode of payment, inspection report and total cost/ payment made to the contractor are sort of the category of information/record that each public body is under obligation to disclose proactively including uploading over the internet within six months of the commencement of the Act and ensuring online availability as required under sections 5 & 8 of the Act.

8. Every citizen has been guaranteed fundamental and constitutional right under Article 19A of the Constitution of Pakistan as well as statutory right under the Right of Access to Information Act 2017 to seek permissible information/public record from the public body. Furthermore the right of the appellant is further fortified against the respondent public body in aid of section 98 of The Cantonments Ordinance, 2002 which reads as under; 98.

Transparency :

- “1) Every citizen shall have the right to information about any office of the Cantonment Administration and Union Administration.*
- 2) Every office shall provide requisite information, if not restricted under any law for the time being in force, on the prescribed forms and on payment of such fee as may be prescribed.*

- 3) *Information about the staffing and the performance of the office of a Local Government during the preceding month shall, as far as possible be displayed at a prominent place within the premises of the office for access by the citizens.”*

9. A public body is under obligation to respond to a request as soon as possible and in any case within ten working days of the receipt of the request. This period can further be extended for another ten days where the requested information requires a search through large number of record or the record is located in different offices but cannot be deferred for an indefinite period. The Act has made it mandatory for the public bodies to encounter the prescribed limit of time provided on the Act for responding to request.

10. The two information requests were submitted in the office of the respondent on 21.2.2019 vide Diary Nos DAK ID 45088 & DAK 45087. After receiving the applications respondent has failed to adopt the procedure provided in section 13 and has ignored the time limit provided in section 14 of the Act. The respondent has also ignored the two notices of the Commission, by not filing the written reply and refrained from appearing before the Commission at the time of hearing. This amounts to willful and deliberate obstruction by preventing and delaying the disclosure of information/record to the appellant.

D. ORDER.

11. For the reasons stated above the Cantonment Executive Officer, Abbottabad Cantt is directed to provide the requested information to the appellant forthwith under intimation to the Commission as early as possible but not later than 3.3.2020.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
February 17, 2020

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