

**Pakistan Information Commission**

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**In the Pakistan Information Commission, Islamabad**

**Appeal No 670-10/20**

**Taimoor Khan**

**(Appellant)**

Vs.

**Naya Pakistan Housing and Development Authority**

**(Respondent I)**

Through its Chairman

**National Database and Registration Authority**

**(Respondent II)**

Through its Public Information Officer

**Order**

**Date:** January 18, 2021

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated 07-10-2020, to the Commission, stating that he had submitted an information request to the Chairman, Naya Pakistan Housing and Development Authority dated 21-09-2020 under the Right of Access to Information Act 2017 but did not received the requested information.
2. The information sought by the Appellant is as follows:
  1. *“Total number of the application forms received for Naya Pakistan Housing Scheme. (Province and district wise breakup).*
  2. *Total amount collected as application fee for Naya Pakistan Housing Scheme.*
  3. *The purpose of these form collection was to determine the need of people, what is the conclusion of this practices? Whether any report is prepared under to determine the public need?*
  4. *Provide copy of the report(s) prepared to determine the need of people.*
  5. *Penny by penny utilization details of the amount collected as application fee for Naya Pakistan Housing Scheme.”*

## B. Proceedings

3. Through a notice dated 16-10-2020 sent to the Chairman, Naya Pakistan Housing and Development Authority, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent through a letter vide No. 1(4)/2020/Mgmt/NAPHDA dated 23rd October 2020 stated that “... *Registration of applicants was carried out by NADRA. This letter, therefore, does not relate to Naya Pakistan Housing and Development Authority (NAPHDA). The letter and enclosures are, therefore, returned herewith in original for your further necessary action, please.*”
5. The response of the Respondent was shared with the Appellant on November 02, 2020.
6. The Appellant submitted rejoinder stating that “*I have received the response of Naya Pakistan Housing Authority in which they have stated that the requested information relates to NADRA.*”

*It is stated that before sending information request to Naya Pakistan Housing Authority, same information request was sent to NADRA on August 20, 2020.*

*NADRA in its letter dated August 26, 2020 stated that the information as sought appertains to be the domain of Naya Pakistan Housing Authority. (Copy enclosed)*

*You are requested to help me in getting the requested information.”*

7. The Appeal was fixed for hearing on November 26, 2020 and both the NADRA and Naya Pakistan Housing and Development Authority were informed accordingly through hearing summon sent on November 18, 2020.
8. In response to the hearing summon of the commission, NADRA responded that “*Reference to hearing summon vide appeal No. 670-10/20 dated November 18, 2020, find enclosed NADRA record/statistics against the request of Taimoor Khan. The same is also present on public domain i.e. website of Naya Pakistan Housing and Development Authority (NAPHDA).*”

*It is also suggested to seek information regarding query Nos. 3,4 & 5 from <https://naphda.gov.pk/nadradata.aspx> or Naya Pakistan Housing and Development Authority (NAPHDA).”*

9. Mr. Hafiz Shahzad Masood, Deputy Director Naya Pakistan Housing and Development Authority attended the hearing held on November 26, 2020 and said that he will submit his written response by 04-12-2020.
10. The Respondent-I submitted response and stated that  
“Reference: Hearing of the case titled Taimoor Khan vs NADRA and Naya Pakistan Housing Program, on 26th November, 2020 held at Pakistan Information Commission's Office, F-8 Markaz Islamabad.

In continuation of this Authority's earlier reply of even number dated 230 October, 2020 on the subject cited above and in compliance of directions of worthy Commissioner of Pakistan Information Commission, the requested information and response is as under:-

Sr. No.	Requested Information under the Right of Access to Information Act 2017	Response by Naya Pakistan Housing and Development Authority (NAPHDA)
a.	Total number of the application forms received for Naya Pakistan Housing Scheme. (Province and District wise breakup)	NADRA carried out registration in two phases. A total of 2,003,940 applicants Scheme registered from all over Pakistan. NADRA may sign a non-disclosure agreement with the applicant / Pakistan Information Commission for provision of data.
b.	Total amount collected as application fee NADRA received the application fee or Naya Pakistan Housing Scheme.	NADRA received the application fee, hence, the said information may be obtained from NADRA.
c.	The purpose of these form collection was to determine the need of people, what is the conclusion of this practices? Whether any report is prepared under to determine the public need?	determination of public need is from the data of registered applicants (Province/ District wise)
d.	Provide copy of the report(s) prepared to determine the need of people.	Summary of Tehsil and District-wise demand may be obtained from NADRA.
e.	Penny by penny utilization details of the amount collected as application fee for Naya Pakistan Housing Scheme.	As in Para-1b above

11. Response/information received from Respondent I and Respondent II was shared with the appellant on December 11, 2020.

12. The Appellant submitted objection over the response of the Respondents and stated that  
*“After the intervention of Pakistan Information Commission, both Naya Pakistan Housing and Development Authority and NADRA have shared the statistics of the applications received but they have not provided the report(s) prepared to determine the need of the people and utilization of the amount collected as application fee for Naya Pakistan Housing Scheme.*

*You are requested to help me in getting the complete information.”*

### C. Discussion and Commission's View on Relevant Issues

13. The questions for the consideration of the commission are as under:
  - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
  - (b) Did Respondents follow procedure laid down in the Act in responding to the request of the citizen?
14. The requested information should not only be made available to the Appellant as a constitutional right of access to information in matters of public importance under Article 19-A of the Constitution of Islamic Republic of Pakistan but also as a statutory right under different provisions of the Right of Access to Information Act 2017.
15. The public body is legally obligated to proactively disclose through its web site the requested information under Section 5 (1) (i) of the Right of Access to Information Act 2017:

*“Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized”.*
16. NADRA shared that it received a total of 2,003,940 application forms from citizens for Naya Pakistan Housing Scheme. However, both NADRA and Naya Pakistan Housing and Development Authority failed to provide province and district wise break-up of number of the application forms received for Naya Pakistan Housing Scheme as requested by the Appellant.
17. To the query of the Appellant about the report prepared by Naya Pakistan Housing and Development Authority to determine the need for houses, the Respondent replied, “determination of public need is visible from the data of registered applicants”. The Respondent Naya Pakistan Housing and Development Authority further said that “summary of Tehsil and District wise demand may be obtained from NADRA”. Furthermore, it failed to provide the utilization of the total funds collected from citizens.
18. The fact that Naya Pakistan Housing and Development Authority has asked the Appellant to get Tehsil and District wise data from NADRA suggests that it has not collected this data from NADRA to prepare need assessment report. Instead, it considers total number of the application forms received for Naya Pakistan Housing Scheme enough for the need assessment for the housing requirements of the citizens of Pakistan.
19. In the absence of any detailed need assessment report, it is difficult to draw any conclusion from a total of 2,003,940 application forms submitted by citizens. This underscores the wisdom of the citizens of Pakistan, expressed through their chosen representatives, and, reflected in the Preamble of the Act which states:

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved

access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.

20. The fact that data/information housing needs of the citizens as required by the citizen is not available also highlights that the citizens want to have improved access to records held by public bodies for following purposes:
  - i. Making government more accountable to citizens’
  - ii. Greater level of participation of citizens in the affairs of the government’
  - iii. Reducing corruption and inefficiency’
  - iv. Promoting sound economic growth’; and
  - v. Promoting good governance and respect for human rights.
21. 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.
22. 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**

23. The appeal is allowed. Public Information Officer, NADRA is directed to provide Tehsil and District wise break-up of the application forms submitted under Naya Pakistan Housing Scheme.
24. The information mentioned in para 23 be provided, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
25. Chairman, Naya Pakistan Housing and Development Authority 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.
26. The Respondents are directed to take immediate steps to proactively share through the web sites all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance reports 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](http://www.rti.gov.pk). The compliance reports be submitted to this commission by 18/02/2021.

27. The Respondents are directed to ensure accessibility of the information proactively published on their web sites 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 reports 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](http://www.rti.gov.pk). The compliance report be submitted to this commission by 18/02/2021.
28. Copies of this order be sent to Chairman, Naya Pakistan Development and Housing Authority, Public Information Officer, NADRA and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
January 18, 2021

This order consists of 6 (six) pages, each page has been read and signed.