

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 806-12-2020

Mohammad Ilyas Bhatti

Vs

Federal Government Employees Housing Authority

Date: 17.2.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr. Mohammad Ilyas Bhatti has filed his appeal before the Pakistan Information Commission alleging therein that the DG, Federal Government Employees Housing Authority has not responded to his application for the provision of the information.
2. The appellant through his application has requested the following information;
“Letters No. 20(14)/03-HF dated 24.01.2009 and 26.2.2009 written by Mr. Sher Afzal Khan, former DG to the Ministry of Information.”

B. PROCEEDINGS.

3. On the intervention of the Commission the respondent public body through letter dated 8.1.2021 has provided the following letters;
 - i. *Letter No. 20(14)/03-HF dated 14.2.2009*
 - ii. *Letter No. 20(14)/03-HF dated 26.2.2009*
 - iii. *Letter No. 1(2)/2019/EIV-HF dated 8.4.2019*
 - iv. *Letter dated 4.9.2019 and*
 - v. *Letter dated 23.7.2020.*
4. The information provided by the public body was shared with the appellant who being not satisfied has filed his objection dated 19.1.2021, that reads as under;
The letter in question No. 20(14)/03-HF dated 24.01.2009 has not been provided as usual while other copies are already with me.
This letter may be provided as I am not satisfied with the reply. The information in last paras may also be provided.
Besides a reference of WP 2869/2005 has been given in the above letter, I have an attested copy of the WP 2869/2005 with me which did not direct to provide plots to the petitioners. But the then DG Sher Afzal Khan implemented it to favour the journalists. The WP was dismissed disposed on 07.2.2006 along with many other

writ petitions. Finally in CP 185/2006 SC, it was disposed and in Shakoor Tahir case WP 2642/2005 the SC also rejected his case.

Regarding WP 2869/2005, the PIC is requested to please provide me all information, noting, drafting and approval by DG, of the case regarding how a rejected WP was made allowed to provide relief to journalists.

5. Later through letter dated 29.1.2021 to the Commission, the appellant has alleged that since the FGEHA and Ministry of Information and Broadcasting are involved in the issue therefore a copy of his appeal and the reply of FGEHA may be sent to the Secretary, Ministry of Information and Broadcasting to produce the record for reaching a conclusion.

C. COMMISSION'S VIEW.

6. The appellant initially through his application has requested Letter No. 20(14)/03-HF dated 24.01.2009 and even number Letter dated 26.2.2009, written by Mr. Sher Afzal Khan, former DG, FGEHA to the Ministry of Information. Later on after the provision of information the appellant has objected that Letter No. 20(14)/03-HF dated 24.01.2009 has not been provided and further desired the noting, drafting and approval by the DG. The appellant also want anticipation of the Commission for sending the matter to the Secretary, Ministry of Information and Broadcasting.
7. The appellant has thrown a wider net after the response of the public body. The information that was not listed in the information request cannot be desired by the appellant at the later stage of the appeal during the course of proceedings of the Commission. The appeal before the Commission is filed for the non-provision of two documents mentioned in the application, by the FGEHA, therefore the Commission will not go beyond the request. If the appellant so desire he can file a fresh application before the concerned public body.
8. The subsequent application filed by the appellant with the improved request cannot be entertained by the Commission. This Commission is established to ensure that the people of the country have improved access to the record and information held by the public authorities to promote the participation of the people in public affairs and to ensure upholding of transparency and good governance in the working of the government. Probe and inquiry against the public body or surfacing the irregularities or malpractices in the working of the government does not fall under the domain of this forum therefore if any irregularity is committed in the allotment of the plots to the journalists or the orders of the High Court or Supreme Court are violated, this Commission does not hold any powers to penetrate into, nor is it built-in in the functions of the Commission. This Commission is constituted under the Right of Access to Information Act 2017, to facilitate the citizens to have access to the public record that however may be instrumental and useful to surface any irregularity or malpractice in the working system of the public body. If the appellant has any objection or is not satisfied with the process or criteria for the allotment of plots, he may approach the relevant forum, if so advised, but this Commission is only meant for the provision of the information and record subject to reasonable restrictions mentioned in the Act.

9. 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 practice would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.
10. It is mandatory for the public bodies to publish including uploading over the internet and computerization for the voluntary disclosure of the categories of record and information mention in section 5, within six months of the commencement of the Act.
11. The Commission has noticed that the respondent public body has not notified the designation officer as mandated under section 9 of the Act. In the absence of the designated officer the Principal Officer will be considered as the designated officer.

A. ORDER.

12. The appeal is allowed. The Director General, Federal Government Employees Housing Authority, is directed to provide the appellant Letter No. 20(14)/03-HF dated 24.01.2009, forthwith but not later than ten days of the receipt of this order. He is further directed to make arrangements for the implementation of the section 5 & 9 of the Act under intimation to the Commission by 15.4.2021.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on: 23.2.2021

13. Certified that this order