

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 642-09-2020

Pervez Said

Vs

Defence Housing Authority, Karachi

Date: 17.3.2021

Fawad Malik: Information Commissioner

A. APPEAL

1. The Public Interest Law Association of Pakistan (PILAP), through Mr. Pervez Said, in the public interest has filed appeal before the Pakistan Information Commission under the Right of Access to Information Act, 2017. It is alleged that the organization requested certain information from the office of Defence Housing Authority, Karachi, concerning the construction of storm drains from Defence Housing Authority (DHA), Karachi, but has not received the response to the application within the frame of time provided in the Act.
2. In the application addressed to the President, Defence Housing Authority, Karachi, the following information is sought by the applicant:
 - i) *Where may a common citizen access DHA Karachi's detailed budget for the period 2019-20, including proposed and actual expenditures, and original or revised revenue targets? Where have these been published and/or uploaded on the DHA Karachi website?*
 - ii) *If the above is not available in published or digital form, what is the reasoning for this omission?*
 - iii) *If the information sought in point (i) is not publically available, please provide DHA Karachi's budget details for the period 2019-20, including proposed and actual expenditures and other account details as required by section 5(1)(g) of the 2017 Act.*

B. PROCEEDINGS

3. The Chairman, Defence Housing Authority, Karachi vide letter dated 21.7.2020, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 4.11.2020, but no one appeared to represent the public body.

4. Later on the President of the Authority was directed to submit the written reply and arguments to avoid the personal hearing to ensure SOPs for Covid-19 and finally the appeal was fixed on 17.3.2021, with copy of the notice to the Corps Commander, Karachi. No one appeared before the Commission to represent the public body nor was the reply submitted.

C. COMMISSION'S VIEW

5. The procedure for the acceptance and refusal of the application for information is provided in section 13 of the Act. It is mandatory for the designated officer appointed by the public body to acknowledge the application before processing. If the applicant is entitled for the provision of the information than the same should be provided within the period mentioned in section 14 and in case the request merits rejection then to inform the applicant the reasons under which it is rejected in accordance with the provisions of the Act.
6. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are waived. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defense. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
7. The bare reading of the application depicts that the information related to the budget and accounts of the public body for the year 2019-20 has been sought by the citizen under the Right of Access to Information Act, 2017. Section 5(g) of the Act mandates the detailed budget of the public body, including the proposed and actual expenditures, original and revised revenue targets, actual revenue receipts revisions in the approved budget and the supplement budget, to be published including uploading over the internet to ensure its accessibility to the citizens.
8. Right of access to the record and information in the matters of public importance is constitutional and statutory right of the citizens provided under the Constitution of Pakistan and the Right of Access to Information Act, respectively which cannot be denied or delayed at the whims of the government hierarchy.
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. The respondent has not notified the designated officer as required under section 9 of the Act. In the absence of the designated officer the Principal Officer is considered as the designated officer.

D. ORDER

11. The appeal is allowed. The President, Defence Housing Authority, Karachi is directed to provide the appellant the requested information forthwith but in any case not later than seven days of the receipt of this order.

He is further directed to make arrangements for the implementation of sections 5 & 9 of the Act under intimation to this Commission within one month of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 29.4.2021

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