



In The Pakistan Information Commission, Islamabad

Appeal No 936-03/21

Muhammad Nawaz

(Appellant)

Vs.

Survey of Pakistan

(Respondent)

ORDER

Date: June 10, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated March 02, 2021, to the Commission, stating that he Submitted an information request to the Surveyor General of Pakistan, Survey of Pakistan dated 31-12-2020 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.

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

“1. Information about the Public Bank Account of Survey of Pakistan opened by Maj. Mehar Ali in Askari Bank without any lawful authority and allegedly involved in makeup of Gross Financial Embezzlements through the said account:

Detail of the bank account are as under:

Account Title: Welfare and Capacity Building of Survey of Pakistan

Account No.: PK39 ASCM 0002 3916 5000 0226

Bank: Askari Bank, I-8 Markaz, Islamabad

Information / Public record required:

- i. The authority under which the above mentioned bank account was opened.*
- ii. There exists already a bank account under the title "Capacity Building of Survey of Pakistan" in National Bank of Pakistan then why 2nd Bank account was secretly opened in Askari Bank?*
- iii. Why the said account has been closed in recent past in a haste?*
- iv. How much money had been transacted in the said public account since its opening to closing period? Bank statement may be furnished in this regard.*

B. Information about TA/DA records of by Maj. Mehar Ali DSG I and My Noor Elahi, DSG-d since they become DSG

Maj. Mehar Ali, DSG I has fraudulently / deceitfully made tours to field units / field directorates which are not working under his jurisdiction and earned millions rupees by illegal visits.

To visit his home town in Sindh, he has fraudulently / deceitfully made tours to field units of Karachi field directorate which are not working under his jurisdiction and earned millions rupees by illegal visits.

- i. He visits only 1 or 2 day but claim TA / DA for many days, and misuse govt. vehicle for remaining days.*
- ii. For instance, he showed visit to Chuha Saiden Shah District Chakwal from 25-10-2018 to 27-10-18 (for two days) but returned back just after one day on 26-10-2018 and illegally draw TA/DA for two days. Whereas he was entitle to draw TA/DA only for ol day. Whereas, the officer (Mr. Sanaullah, DD) who accompanied him draw TA / DA only for 01 day.*

Information / Public record required:

- iii. TA / DA records of Maj. Mehar Ali, DSG-1 in respect of all the sub-ordinate field units / offices of various directorates not working under his area of jurisdiction.*
- iv. TA / DA records of all visits to his home town in Sindh), fraudulently / deceitfully made tours to field units of Karachi field directorate which are not working under his jurisdiction and earned millions rupees by illegal visits.*
- v. Comparison Chart of field visits of Maj. Mehar Ali, DSG-1 and Mr. Noor Elahi, DSG-II for the last 3 years.*
- vi. TA / DA records of his tour to Chuha Saiden Shah District Chakwal from 25-10-2018 to 27-10-18 including the bill and copy of check through which the TA/DA was actually drawn*

C. Record of all residential plots allotted to Maj. Mehar Ali:

He allegedly has got allotted 03 plots (02 from civil side and 01 fraudulently from Army) after permanent transfer of his services to Survey of Pakistan whereas he is entitle to get 01 plot during his service.

Information / Public record required:

Allotment records of all the three plots (01 from army) and 02 from civil service.

D. Records of Car he illegally obtained under Monetization Policy:

- i. He obtained 1300 cc car against his entitlement of 1000 cc under monetization policy unlawfully / fraudulently.*

Information / Public record required:

- ii. Records of 1300cc Car he obtained unlawfully / fraudulently against his entitlement of 1000 cc under monetization policy”.*

B. Proceedings

3. Through a notice dated March 11, 2021, sent to Surveyor General, Survey of Pakistan, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The respondent through a letter vide No. 114-C/1-A-120 dated 26 March 2021, submitted its response which is as under:
“With reference to PIC's notice in appeal No. 936-03/2021, dated 11.03.2021, it is stated that Mr. Muhammad Nawaz, Ex-Deputy Director (applicant) has used un-parliamentarian / derogatory language, specially at Para-B-ii, Para-C &

Para-D (i & ii) (copy enclosed). Some of the words/language are reproduced as below:

- a. *Unlawfully / fraudulently.*
- b. *Gross financial embezzlements.*
- c. *Fraudulently / deceitfully.*
2. *According to section-11 of the Act the applicant can make a request to a public body for information or record in sufficient detail, where as in present case the applicant has not acted in accordance with said provisions.*
3. *It is added that some of information were also asked by one of the Deputy Director of this department under appeal No. 722-11/20, dated 05.02.2021 & same were provided.*
4. *The public body will share all information & record which falls under section-6 of the Right of Access to Information Act, 2017.*
5. *In view of above facts, the applicant may be asked to provide evidence of un-parliamentarian / derogatory language used or withdraw the appeal / request, please.”*
5. *The response of the public body was shared with the appellant on April 08, 2021 and was directed to submit his response to this commission.*
6. *The appellant on April 12, 2021 submitted his response which is as under:*
 1. *“With reference to the letter cited above, it is stated that the undersigned have reservations on the illogical objection raised by the department just to conceal the information requested.*
 2. *The words pointed out by the public body in the undersigned’s request are not un-parliamentary/ derogatory but are pure legal words.*
 3. *A number of embezzlement and fraudulent cases have been pointed out through different enquiries / reports in survey of Pakistan; such cases are listed below:*
 - i. *Mr. Muhammad Akram the then Director conducted an enquiry during 2003-2004 and pointed out an embezzlement of more than 80 Million rupees in Directorate of photogrammetry (DPO) and other units.*
 - ii. *Mr. Nusratulah the then director (DSC) conducted internal audit of Directorate of Western circle during 2005-2006 and pointed out an embezzlement of 6.5 Million rupees in DWC directorate of survey of Pakistan.*
 - iii. *Similarly same embezzlement cases have been reported in other directorates of survey of Pakistan such as MPO.*
 4. *The preamble of access to information Act, 2017 envisages that the access to public records has been made in order to ensure transparency in the system and to reduce the menace of corruption from Pakistan. The undersigned request has also been made in line with above mentioned purpose and sprit of the promulgation of access to information act, 2017.*
 5. *The information requested will itself provide evidence for validation of the legal words used in my request that’s why the department is concealing those evidences.*
 6. *Mr. Mehar Ali, Deputy Surveyor General-I is heading the administration and litigation of Survey of Pakistan. Since, the information requested provides ample evidences against him that’s why he is manipulating the things in his own favor and the situation is being diverted on his dictations just to avoid the provision of requested record. As per general perception about Mr. Mehar Ali, DSG-I in the department, he possesses very good skills in dodging the system. He has allegedly tried to manage the same in the letter cited under reference.*

5. *In view of the above and even then, if the department has objection on some words in the request that may be treated as expunged but the documents/information requested may be provided at the earliest for perusal of the undersigned being Public Record, please.”*

7. Response of the appellant was shared with the public body on April 22, 2021 and was directed to respond to the queries of the appellant within 7 working days.

8. The respondent through a letter vide No 159-C/1-A-120 dated May 24, 2021 submitted its response which is as under:

“Mr. Muhammad Nawaz, Ex-Deputy Director had made the subject appeal for record of Public Account of SOP, LA/D.A, Residential Plot & Car of Maj. (R) Mehar Ali, DSG. The applicant used un-parliamentarian and derogatory language in his appeal. Therefore, he was asked to provide the evidence of un-parliamentarian/ derogatory language used or withdraw the appeal/request in question (Annex-A).

In response, Mr. Muhammad Nawaz, Ex-Deputy Director has referred the embezzlement of Map Publication Office and Inquiries conducted by Mr. Muhammad Akram, Ex-Director and Late Nasratullah, Ex-Director, which does not have any concern with the language used in his appeal. Hence, the appellant has failed to provide the required evidence of un-parliamentarian / derogatory language used in the subject appeal. Therefore, he may be instructed to withdraw his appeal accordingly, please.”

C. Discussion and Commission’s View on Relevant Issues

9. This commission holds that Applicants should only state the requested information/records to be attained under the Right of Access to Information Act 2017 rather than dwelling upon the supposed corruption that the requested information/records may reveal. In any case, a citizen is not bound to state the purpose for seeking information under this Act. Therefore, while this commission finds loaded expressions such as ‘Unlawfully / fraudulently’, ‘Gross financial embezzlements’ and ‘deceitfully’ unwarranted and uncalled for, these cannot be basis for dismissal of the instant appeal pertaining to the exercise of constitutional right of access to information of a citizen. Furthermore, this commission also believes that the disclosure of the requested information/records would counter the loaded language used by the Appellant if it is revealed that everything has been done by the book. Consequently, the Respondent would be able to take any legal recourse it chooses against the Appellant under relevant laws of the land.

10. This commission holds that all requested records pertaining to the Account Title: Welfare and Capacity Building of Survey of Pakistan, Account No.: PK39 ASCM 0002 3916 5000 0226, Bank: Askari Bank, I-8 Markaz. Islamabad are public documents and of public importance. The requested information would reveal who authorised opening of this Account, its legal justification and the related documents would also reveal that the funds collected and disbursed were used for the intended purpose of this Account.

11. This commission is of the view that the requested information pertaining to the TA/DA and the supporting documents would reveal that the allowances were claimed as provided for the officers to perform their official duties.

12. Plots are allotted under relevant rules to the employees of the federal public bodies who meet certain qualifications and criterion. As such, records pertaining to the allotment of plots are public documents so that citizens could know that these plots were allotted to the employees who met the official qualifications and criterion. Similarly, requested records pertaining to the car is also public information as the requested records would reveal that the employee got the vehicle which he was entitled to under relevant policy.

13. This commission is of the view that the disclosure of the requested information would help achieve stated objectives of the Act enunciated in its Preamble which are as under:
- a. Making government more accountable to citizens’;
 - b. Greater level of participation of citizens in the affairs of the government’;
 - c. ‘Reducing corruption and inefficiency’;
 - d. Promoting sound economic growth’; and
 - e. Promoting good governance and respect for human rights.

D. Order

14. Appeal is allowed. The Surveyor General of Pakistan, Survey of Pakistan is directed to provide requested information mentioned in para 2 of this Order, within 10 working days of the receipt of this Order, with intimation to this office.
15. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site 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.
16. 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 within 30 days of the receipt of this Order.
17. Copies of this order be sent to the Surveyor General of Pakistan, Survey of Pakistan and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 10, 2021

This order consists of 5 (five) pages, each page has been read and signed.