

**Pakistan Information Commission**  
**Government of Pakistan**

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**In the Pakistan Information Commission, Islamabad**

**Appeal No E25-01/21**

**Ahsan Akhtar**

**(Appellant)**

**Vs.**

**Cantonment Board Walton - Lahore**

**(Respondent)**

**Order**

**Date:** July 07, 2021

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal through Online Appeal Management system on February 20, 2021, to the Commission, stating that he Submitted an information request to Chief Executive Officer, Cantonment Board Walton – Lahore dated January 04, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

2. The appeal filed by the Appellant is as under:

“It is submitted that number of times requested Walton Cantonment Board Lahore and again on 04 January 2021(Copy attached) for provision of Gazette Notification NO SRO 236(1)83 Dated 05/3/1983. This empowered Cantonment Board Walton Lahore Cantt to impose 15 percent of Annual Rental Value and allied Charges (Sewerage, Sanitary and water charges). After a lapse of more than one-month Walton Cantonment Board failed to provide the required information ( Copy attached). You are requested to intervene and instruct Walton Cantonment Board for the needful please. ”

**B. Proceedings**

3. This commission through a notice dated March 29, 2021 sent to Chief Executive Officer, Cantonment Board Walton - Lahore called upon the Respondent to submit reasons for not providing the requested information.

4. Through another notice dated April 13, 2021, the Respondent was directed to submit written arguments within 15 days, otherwise the appeal will be decided Ex-Parte in the light of the record available on the file and the Right of Access to Information Act 2017.

5. The Respondent through a notice vide No WC/E- 73/NishatColony/12861 dated May 21, 2021 submitted it's response along with the copy of the Guzette Notification dated March 9, 1983.

6. Response submitted by the public body is as under:

“A perusal of the application/appeal submitted by one Maj Ahsan Akhtar (R) depicts that the Applicant seeks to obtain the copies of Gazette Notification No. SRO 236(1)83 dated

05.03.1983. Albeit the aforementioned SRO has already been provided to the applicant in person during one of his frequent visits to this office of the undersigned yet once again through this reply copy of SRO No.236(1)83 dated 05.03.21983 is attached for provisioning of this Learned forum as well as to the applicant and hopefully by provisioning of the aforesaid document/information the statutory mandate of the Right to Information Act, 2017 is complied with. Copy of SRO No. 236 (1)83 dated 05-3031983 is attached as Annexure-A.

This office take this opportunity to apprise the Commission that the remaining contents of the applicant's application/appeal pertain to a civil dispute between the Walton Cantonment Board and the taxpayer. The Cantonments Act, 1924 (CA. 1924) being a "Special Law" governs such disputes between residents of Cantonments and the respective Boards, As per the aforesaid Act of 1924 there is separate alternative mechanism devised for addressing the grievances of taxpayers i.e. Section 84 of the Cantonments Act, 1924. The Applicant rather than adopting the process mandated by "Special Law" is approaching different departments to avoid and evade the payment of lawfully imposed tax upon his commercial property. Such forum shall be deprecated by this Learned Court in the strictest manner and tenor.

The issues pertaining to Property Taxes, Water Charges and Conservancy Charges explicitly fall under the domain of Director, Military Lands and Cantonments under Section 84 of the Cantonments Act, 1924 as well as the superior courts in their respective appellate constitutional jurisdictions. Hopefully this letter serves to the satisfaction of the Commission and complies with the statutory mandate of the Right to Information Act, 2017

However, in view of the circumstances stated above, it is therefore requested to direct the applicant Maj Ahsan Akhtar (R) to avail alternate remedy for redressal of his dispute regarding payment of Cantonment Board dues as provided in the Sections 84,274 as well as 277 of the Cantonments Act, 1924."

7. Response submitted by the public body was shared with the Appellant on May 25, 2021.
8. The Appellant through an email dated 01 June 2021 submitted rejoinder to the response of the public body, which is as under:

"Your intimation against appeal: E25-02/21 Dated 25 May 2021 about reply from WC/E-73 Dated 21 May 2021.

CBW claims on the one hand that the copy of SRO Number 236(1)83 was handed over to me while one of my visits of the office, and on the other hand CBW claims that I am using multiple ways just to avoid paying of tax.

According to CBW I visit frequently the CBW office; there I go for the solution of taxes issues according to the laws. That is not a recreational place for public amusement. CBW claims the imposition of multiple taxes like water charges, sewerage tax and conservancy tax are the discretion of Director General Military Lands and Cantonments. I couldn't find any logical and legal power that empowered Director General Military Lands and Cantonments to impose such taxes in the Cantonment act. Please instruct CBW to provide copies of concerned section or SRO that empowered it for imposition of water charges, sewerage charges and conservancy rax In the current situation I had requested CBW to provide me the legal option for Old building and Government Employee's tax share in a joint property. CBW has not replied in legal even in a formal context. CBW claims that it solves issues through "Special Law". But in my matter no special law is being used, which has proven through my applications and CBW's replies against my application."

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

6. This commission has to decide the following issues regarding the implementation of the Right of Access to Information Act, 2017 hereafter referred to as Act .:
  - i. The Respondent has provided the relevant and complete information to the Appellant?
  - ii. The Appellant has the right to demand additional information other than his original information request?
  - iii. Has the Respondent uploaded all categories of the information defined in the Section 5 of the Act on its website?
  - iv. Has the Respondent nominated the Public Information Officer as required under the Section 9 of the Act?
9. After examining the information response of the public body in the instant appeal, this commission observed that the appellant in his information request dated January 04, 2021 have requested copy of Guzette Notification dated March 9, 1983.
10. The respondent in its response has provided the copy of the requested Guzette Notification and also answered the queries of the appellant regarding his concerns over the Tax Assessment by the public body.
11. The Appellant in his rejoinder have demanded additional information that was not part of his original information request.
12. This commission through an order on an appeal No 458-08/20 title Pervez Said Vs Cantonment Board Clifton has held that follow-up query / additional information that is not part of the original information request can not be processed as part of the same appeal.
13. However, the Respondent has failed to ensure the publication of the information determined in Section 5 of the Act on its website.
14. According to Section 19 (d) of the Act, this commission is bound to make sure that all information determined in Section 5 of the Act is made available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. [www.rti.gov.pk](http://www.rti.gov.pk)
15. Moreover, according to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizens.

### **D. Order**

22. The appeal is disposed of to the extent of requested information as the Respondent has provided the requested information to the Appellant whereas the request for additional information by the Appellant cannot be processed as part of this appeal as it is not part of the original request for information.
23. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the 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.

24. 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 by August 07, 2021.
25. Copies of this order be sent to the Chief Executive Officer, Cantonment Board Walton - Lahore and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

July 07, 2021

This order consists of 4 (four) pages, each page has been read and signed.