



In the Pakistan Information Commission, Islamabad

Appeal No 641-09/20

Pervaz Said

(Appellant)

Vs.

Defence Officer's Housing Authority – Karachi

(Respondent)

Order

Date: July 07, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date September 24, 2020, to the Commission, stating that he Submitted an information request to the President, Defence Officer's Housing Authority - Karachi dated September 02, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

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

“i) given the colossal amount of public money spent on the construction of DHA Karachi's storm-water drains, why were they not able to drain away a majority of the rain water?

ii) How much capital has been spent on building DHA Karachi's storm-drain system? How much of this was paid for by DHA residents in the form of taxes and other charges?

iii) What was the decision-making process for selecting the contracting company that built the storm-drains?

iv) Who was responsible for the technical approvals of the storm-drain construction project?

v) What is the mechanism for approving house and building construction plans? What systems and procedures are in place to ensure that rain-water does not accumulate on residential and commercial buildings?”

B. Proceedings

3. This commission through a notice dated October 06, 2020 sent to the President, Defence Officer's Housing Authority – Karachi called upon the Respondent to submit reasons for not providing the requested information. No response was received from the respondent.
4. The appeal was fixed for hearing on November 24, 2020 and both parties were informed accordingly through notices sent on November 12, 2020.
5. Through another notice dated April 19, 2020 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.

C. Discussion and Commission's View on Relevant Issues

6. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred as Act.
7. The information requested by the appellant is declared as public record in section 6 (b) of the right of Access to Information act 2017 as it is regarding expenditure undertaken by a public body.
8. The requested information also declared as public record under section 6 (c) of the Act as it is information regarding contracts and agreements made by a public body.

Section 6(b) and (c) of the Right of Access to Information Act, 2017 states:

(b) *“Transactions involving acquisition and disposal of property and expenditure undertaken by a public body in the performance of its duties and function;*

(c) Information regarding grant of licenses and other benefits, privileges, contract and agreement made by a public body;”

9. The respondent has failed to meet its obligations defined in Section 5(3) of the Right of Access to Information Rules 2019,

Section 5(3) of the Right of Access to Information Rules, 2019 states,

“Each public body shall publish on its website, and if such facility is not available, on its notice board the procedure of filing application and obtaining information including the schedule of costs and filing of complaint as prescribed by the Commission.”

10. According to Section 19 (d) of the Act, this commission is bound to make sure that all information mentioned in Section 5 of the Act are 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

11. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

12. The appeal is allowed. The Public Information Officer, Defence Officer's Housing Authority - Karachi is directed to provide the information requested in Para 2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
13. The public body is also 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 July 23, 2021.
14. Copies of this order be sent to the Public Information Officer, Defence Officer's Housing Authority – Karachi 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 3 (three) pages, each page has been read and signed.