

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1293-08-2021

Pervez Said

Versus

Pakistan Defence Officers Housing Authority, Karachi

Date of Hearing:

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Pervez Said, preferred his appeal dated 25th August, 2021 before the Pakistan Commission on access to information, Islamabad. He alleged that the request for information has not been responded by the Pakistan Defence Officers Housing Authority, Karachi within the timeframe stipulated under the Right of Access to Information Act, 2017.
2. Through an application dated 10th June, 2021 addressed to the President, Pakistan Defence Officers Housing Authority, Karachi he has desired certain information pertaining to dilapidated and dangerous condition of a building bearing address 67-C, Saadi Lane 6, Tariq Commercial, Phase 7 (Extension), DHA, Karachi. The detailed particulars of the requested information are:
 - i. *What action has DHA Karachi taken against the dangerous building in question?*
 - ii. *What remedial measures are being taken to ensure public safety?*
 - iii. *What process does DHA Karachi follow to ensure that building, both commercial and residential, as well as amenity buildings, are safe for the public?*
 - iv. *Where any of these processes employed before and during the construction of the said building?*

B. PROCEEDINGS

- i. The Commission vide notice dated 30.08.2021 directed the respondent to provide reasons in 7 working days of the receipt of the notice as to why the requested information has not been provided to the appellant within ten working days as required under section 14 of Right of Access to Information Act 2017.

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3. The notice was not responded; therefore the appeal was fixed for hearing before the Commission on 03.11.2021 and both the parties were informed accordingly vide notices dated 29.09.2021.
4. Lt Col (Retd) Syed Shahab Qasim Naqvi, Public Information Officer, Pakistan Defence Officers Housing Authority, Karachi through letter No. DHA/Appeal-1293-08/21 dated 27th October, 2021 sought copy of subject appeal for preparation and submission of reply.
5. The office of the Commission vide letter dated 29th October, 2021 sent the copy of the desired appeal to the Public Information Officer of the asking respondent.
6. The appeal was again fixed for hearing before the Commission on 12.01.2022 and both the parties were informed accordingly vide notices dated 15.12.2021.

C. COMMISSION VIEW

7. The appellant has desired the information pertaining to a dilapidated and dangerous condition of a building situated in Phase 7 (Extension), Pakistan Defence Officers Housing Authority, Karachi. He want to know the action taken against the dangerous building in question, remedial measures being taken to ensure public safety, process being followed to ensure that building, both commercial and residential, as well as amenity buildings, safety for the public and whether these processes were applied before and during the construction of the said building by DHA.
8. The Designated Officer despite provided with the copies of the appeal twice didn't bother to reply the appeal nor did any one appear before the Commission at the time of hearing. While dealing with the matters related to information and record sought by the citizens under the Act of 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 ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body despite the serving of the notice. It is presumed that the respondent public body is wilfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defence. 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.

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9. The information pertaining to action taken against the dangerous building in question, remedial measures being taken to ensure public safety, process

being followed to ensure the safety for the public and whether these processes were applied before and during the construction of the building is matter of public importance for the public at large. Keeping in view the spirit of the act for upholding the transparency the sort of information is mandated to be published and displayed as required under section 5 of the Act. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

10. There is no cavil in holding that the requested information and record must be made available by the DHA on the website as well as on the notice board of the office and at the site to the access of the public at large.

D. ORDER

11. The appeal is allowed. The Designated Officer, Pakistan Defence Officers Housing Authority, Karachi is directed to provide the appellant the requested information pertaining to the building bearing address 67-C, Saadi Lane 6, Tariq Commercial, Phase 7 situated in Phase 7 (Extension), Pakistan Defence Officers Housing Authority, Karachi, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 14.3.2022

Certified that this order consists of 03 pages, each page has been read and signed.