

# IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1014-04-2021

Nadeem Umer

Versus

Cantonment Board Rawalpindi

Fawad Malik: Information Commissioner

## A. APPEAL

1) Mr. Nadeem Umer filed an application dated 1<sup>st</sup> December, 2020 under the Right of Access to the Information Act, 2017. Through the application he has requested following information from the Office of the Cantonment Executive Officer, Rawalpindi Cantonment Board, Rawalpindi.

- i) *“List of the approved commercial buildings with building names, area, address in Rawalpindi Cantonment jurisdiction.*
- ii) *Provided copies of each approved buildings map. – From Jan 2017 to date- along with the date of approvals.*
- iii) *Copies of the notices issued to the building owners for violation of building by laws from Jan 2017 to date.*
- iv) *Copies of the applications submitted by the Rawalpindi Cantonment for registration of FIR against the violators of the building by-laws.*
- v) *Provide the list of the buildings that are demolished during the last five ten years.*
- vi) *Provide the details of the areas that are declared commercial in Rawalpindi Cantonment jurisdiction.*
- vii) *Provide the details of the residential area that are converted into commercial during last ten years.*
- viii) *Provide the list of the building Inspectors along with their qualification & technical background.*
- ix) *Certified copy of the policy document, rules, criteria and SOP for getting the approval of commercial buildings.*
- x) *How many cases were sent to Rescue 1122 for the Fire Safety Certificate and how many of them were approved. Provide each approved building maps & safety certificate.”*

2) Feeling aggrieved for the non provision of the requested information, he filed his appeal before the Pakistan Commission on access to information.

## **B. PROCEEDINGS**

3) The Cantonment Executive Officer, Rawalpindi Cantonment Board vide letter dated 23-09-2021 responded as follows:

*“It is to inform you that your above referred application was forward to Cantonment Legal Advisor (CLA), RCB for legal opinion and the CLA RCB opined that “as per provisions of “the Right of Access to Information Act, 2017” and request made by applicant is to be entertained through designated officer, furthermore, the applicant has asked for provision of certain information regarding properties which infect are private properties and does not fall in the definition of public properties, hence the said information is not covered in Section 7 (g) of the Act *ibid*. If the requisite information is provided then it is likely to be disclosed the personal privacy of the individual which is against the mandate of the Act *ibid*. Therefore, the applicant be informed through letter that in order to get certified copies of policies, rules and SOP for approval of buildings or for demolition of building etc be applied on prescribed form and the same will be provided after payment of Govt. charges.”*

4. The appellant has objected the reply submitted by the respondent public body. He states that the requested information / record is public record under the Right of Access to the Information Act, 2017, therefore should have been made public by the respondent.

## **C. COMMISSION’S VIEW**

5. The appellant has requested list of the commercial buildings, their approved maps from January 2017 to date, notices issued for the violation of building plain, primarily proceedings initiated against the violators, the building demolished for the violation of rules and other incidental information there to, detailed in Para 1 of this order.

6. The cantonment executive officer, Rawalpindi Cantonment Board vide his letter dated 23.09.2021 has denied the access to requested information terming it related to private properties hence is excluded from the definition of public record under-section 7(g) of the Act, apprehending that the disclosure would effect the personal privacy of the individuals. However, the copies of the policies, rules and SOP for approval or demolition of buildings can be applied on prescribe form on the payment of the charges.
7. The requested information is related to the commercial buildings therefore the record sought by the appellant is one of public importance and interest 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. There is no cavil in holding that the information and record pertaining to the approved maps and layout plan of the commercial buildings must be made available by the Board on the website as well as on the notice board of the office and at the site to the access of the general public.
8. The stance taken by the public body in the reply terming it related to private properties hence is excluded from the definition of public record under section 7(g) of the Act does not carry weight. Though the property may be private but since it is being used for the commercial purposes, the interest of the general public is directly linked with it therefore the public importance and interest cannot be separated from the matter.
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 practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

#### **D. ORDER**

10. The appeal is allowed. The Executive Officer, Rawalpindi Cantonment Board is directed to furnish the appellant all the requested information and record forthwith but in any case not later than seven days of the receipt of this order.

He is further directed to ensure all information and record pertaining to the approved maps and layout plan of the commercial buildings must be made

available by the Board on the website as well as on the notice board of the office and at the site to the access of the general public.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 01.06.2022

Certified that this order consists of 04 pages, each page has been read and signed