

Appeal No. E265-04/2022

M. Maroof Ahmed

Vs

Cantonment Board Sialkot

Fawad Malik: Information Commissioner

**A. APPEAL**

1. Mr. Maroof Ahmed filed a request under the Right of Access to the Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Through application dated 31-03-2022 addressed to the Cantonment Executive Officer, Cantonment Board, Sialkot he has requested the following information:

- i. *“Copy of letter No. MEO/11/8/205/141, dated 31.05.1986.*
- ii. *Copy of letter No. MEO/11/8/205/127, dated 06.10.1986.*
- iii. *Copy of letter No. Acq/SLK/95/1, dated 06.09.1986.*
- iv. *Copy of letter No. MEO/11/8/205/127, dated 06.10.1986.*
- v. *Copy of letter No. 1-122/Admn/4774, dated 04.04.1988.*
- vi. *Copy of Resolution No.30, dated 09.10.1974 passed by Cantt Board Sialkot.*
- vii. *Copy of Minutes of Meeting dated 29-05.1975 passed by Cantt Board Sialkot.*
- viii. *Copy of Minutes of Meeting of Cantt Board Sialkot, in which Housing Society and Commercial Project has been approved on Survey No. 127 & 128.*
- ix. *Copy of letter No.23/121/- /- /- /213, dated 26.07.1975 written by DDML&C to CEO, Sialkot Cantt.*
- x. *Copy ML&C Deptt. Letter No.50/15/Lands/ML&C/87. Dated 20.03.1988.*
- xi. *Copy of letter dated 22.01.1978 written by MEO Sialkot to DDML&C.*
- xii. *Copy of Letter No.13/M/44/4503-L/D-5/59/300-A, dated 31-10-1959 issued by Ministry of Defence, Pakistan Cantt Board Sialkot.*
- xiii. *Copy of order dated 21-06-1895 passed by Director Military Land & cantonments General Headquarters, New Delhi regarding restoration of village land namely Muhal Lalian, District Sialkot to its original owners (Locals).*

- xiv. *Copy of letter no.72/15/Land/ML&C/86-0, dated 19<sup>th</sup> January 1988, written by Director Military Land & Cantonment Rawalpindi to all MEOs/ CEOs including Cantonment Board Sialkot.*
- xv. *Copies of following Extract from General Land Register Sialkot Cantt.*
  - a) *Survey No.86, Vol. No.1, Page No.83.*
  - b) *Survey No.94, Vol. No.1, Page No.91.*
  - c) *Survey No.129, Vol. No.1, Page No.126.*
  - d) *Survey No.125, Vol. No.1, Page No.122.*
  - e) *Survey No.83, Vol. No.1, Page No.80.*
  - f) *Survey No.127, Vol. No.1, Page No.129.”*

2. Feeling aggrieved of the non-provision of information he has filed his appeal through Muhammad Afzal before the Pakistan Commission on access to information, Islamabad.

## **B. PROCEEDINGS**

3. The Cantonment Executive Officer, Cantonment Board, Sialkot vide letter dated 19.04.2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 25.05.2022, 30.05.2022, 15.06.2022 and finally 29.06.2022 but neither the reply was submitted nor any one appeared to represent the respondent public body.

## **C. COMMISSION'S VIEW**

5. While dealing with the matters related to information and record sought by the citizens under the Act 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. It is presumed that the respondent public body is willfully 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.

6. The appellant, a resident of Cantonment area Sialkot has desired the information and record from the Cantonment Board, Sialkot invoking his constitutional right under article 19A of the Constitution of Pakistan and statutory right under the Right of Access to Information Act, 2017. He cannot be denied his fundamental right if the requested information and record falls within the category of public record as defined in the Act *ibid*. The bare reading of the request transpires that the information and record sought by the appellant are the category of record that ought to have been made public and accessible to the citizens.
7. 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, nepotism, discrimination, misuse of power and inefficiency in the governance.

#### **D. ORDER**

8. The appeal is allowed. The Cantonment Executive Officer, Cantonment Board, Sialkot is directed to furnish the appellant all the requested information detailed supra in para 1 of this order, 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 19.07.2022

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