

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 720-11/20

Pervaiz Said

(Appellant)

Vs.

Defence Housing Authority – Karachi

(Respondent)

Order

Date: June 08, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date November 20, 2020, to the Commission, stating that he Submitted an information request to the President, Defence Officers' Housing Authority, Karachi dated October 23, 2020 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The information sought by the Appellant is as under:
 - i. *“Please provide a list of all houses in DHA Karachi that continue to have "security tents" outside of their boundary walls.*
 - ii. *Please provide the number of private security personnel employed by each resident of DHA Karachi, as well as the number of armed weapons at each location. Please indicate how many of these weapons are licensed.*
 - iii. *What is the reasoning for non-implementation of the Supreme Court order dated 24 November, 2020 that ordered all private security tents to be removed from DHA Karachi?*
 - iv. *How does the DHA Karachi Administration propose to deal with illegal encroachments on public property caused by private security tents? Who is to be held accountable for the same?*
 - v. *What, if any, is the uniform policy for regulating private security tents for DHA Karachi, as directed by the Supreme Court?"*

B. Proceedings

3. Through a notice dated November 26, 2020 sent to the President, Defence Officers' Housing Authority, Karachi the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through another notice dated April 19, 2021, the Respondent was again directed to submit written arguments within 15 working days, otherwise the appeal will be decided Ex Parte in the light of the record available on the file.
5. The commission did not receive any response from the Respondent.

C. Discussion and Commission's View on Relevant Issues

6. The question for the consideration of the commission is that whether the information requested by the citizen is public information/ record? And whether the public body has fulfilled its duties as defined in the Right of Access to Information Act, 2017 hereafter referred as Act ?
7. The commission has already established through Orders on Appeal No 679-10/20, Arshad H Siraj Vs Defence Housing Authority Karachi, Appeal No 649-10/20 Hamid Baig Vs Defence Housing Authority – Karachi and Appeal No. 646-09/20 Naeem Sadiq Vs Defence Housing Authority – Karachi that the requested information falls within the ambit of the public record under the Section 5 (d) of the Act.
8. The requested information is also public record under Section 6(d) of the Act.
9. Despite the number of the detailed verdicts and show-cause notices issued in pursuance of the orders of the commission, the respondent has not shared complete information in any of the appeal which shows that the public body is wilfully denying the Right of Access to Information as guaranteed in the Article 19A of the Constitution of Pakistan, and the Right of Access to Information Act 2017.
10. According to Section 14 (1) of the Act, the public body is bound to respond to an information request as soon as possible and in any case within ten working days of receipt of the request, in the instant appeal the public body not only failed to respond to the information request of the appellant but also did not responded the notices of the commission.
11. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act, the citizens have to approach the commission for information due to the the wilful delay or denial by the public which causes undue cost to citizens and the commission.
12. 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 citizen.
13. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act 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
14. 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

15. The appeal is allowed. The President, Defence 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.
16. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.

17. The Respondent 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 June 27, 2021.
18. Copies of this order be sent to the President, Defence Housing Authority, Karachi and to the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 02, 2021

This order consists of 3 (three) pages, each page has been read and signed.