



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints@kprti.gov.pk
Ph: +92-91-9212643
Fax: +92-91-9211163

Dated: 12th Feb., 2015

(Complaint No. 00376)

Ref: Mr. Musa Wazir vs. Establishment Department, Peshawar.

Proceedings

Complainant Mr. Musa Wazir is not in attendance. Syed Muhammad Farrukh Saqlain, PIO/Additional Secretary (HRD), Establishment Department, Peshawar in person present.

The PIO said he has written a letter to concerned Section Officer designated as SO(PSB). The said Section Officer has written a letter for approval to the Competent Authority which he has not yet received back. Copy of the said letter is placed in file.

This Commission is of the view that under the RTI Act, 2013, no approval of the Competent Authority is required for providing information to the requester/complainant because once the PIO is appointed by the Department then he becomes the authorized person to provide the requisite information. The PIO is requested to inform the Commission when he provides the information to the complainant.

Sd/
Chief Information Commissioner

Sd/
Commissioner- I

Sd/
Commissioner-II

Copy to:-

1. Mr. Musa Wazir (Complainant)
2. Syed Muhammad Farrukh Saqlain, PIO/Additional Secretary (HRD), Establishment Department, Peshawar.

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 12th Feb., 2015

(Complaint No. 00306)

Ref: Mr. Farman Ali vs. Establishment Department, Peshawar.

Proceedings

Complainant Mr. Farman Ali is not in attendance. Syed Muhammad Farrukh Saqlain, PIO/Additional Secretary (HRD), Establishment Department, Peshawar in person present.

The PIO said that he has informed the complainant to visit the office of the PIO for collection of information today at 02:00 PM and to deposit the amount for the said information.

Sd/.
Chief Information Commissioner

Sd/.
Commissioner- I

Sd/.
Commissioner-II

Copy to:-

1. Mr. Farman Ali (Complainant)
2. Syed Muhammad Farrukh Saqlain, PIO/Additional Secretary (HRD), Establishment Department, Peshawar.

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 12th Feb., 2015

(Complaint No. 00155)

Ref: Mr. Hidayat Ullah vs. Establishment Department, Peshawar.

Proceedings

Complainant Mr. Hidayat Ullah is not in attendance. Syed Muhammad Farrukh Saqlain, PIO/Additional Secretary (HRD), Establishment Department, Peshawar in person present.

The PIO said that he has written a letter to the concerned Section Officer designated as SO(PSB). The said Section Officer has written a letter for approval to the Competent Authority which he has not yet received back. Copy of the said letter is placed in file.

This Commission is of the view that under the RTI Law no approval of the Competent Authority is required for providing information to the requester/complainant because once the PIO is appointed by the Department, then he becomes the authorized person to provide the requisite information. The PIO is requested to inform the Commission when he provides the information to the complainant.

Sd/
Chief Information Commissioner

Sd/
Commissioner- I

Sd/
Commissioner-II

Copy to:-

1. Mr. Hidayat Ullah (Complainant)
2. Syed Muhammad Farrukh Saqlain, PIO/Additional Secretary (HRD), Establishment Department, Peshawar.

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 12th Feb., 2015

(Complaint No. 00140)

Ref: Mr. Qamar Taj vs. Municipal Committee, Peshawar

Proceedings

Complainant Mr. Qamar Taj, in person present. Mr. Rashid Ullah Municipal Officer (Infrastructure), Municipal Committee, Peshawar is also present.

This complaint is regarding the ownership of the road connecting Ghanta Ghar to Tehsil Ghoragathri Building. Although the representative of the Municipal Corporation Peshawar admitted that the road belongs to Municipal Committee but various agencies execute the developmental work in the Municipal area including this road but never consult the Municipal Corporation Peshawar nor they obtain any NOC for carrying out construction work in Municipal areas. In this background the representative was of the view that it is not in his knowledge as to whether any developmental work has been carried out after 2001 or not. He also gave this statement in writing which is placed in file.

The complainant was satisfied with the information as given by the Department to the complainant and this complaint is closed.

Sd.
Chief Information Commissioner

Sd.
Commissioner- I

Sd.
Commissioner-II

Copy to:-

1. Mr. Rashid Ullah Municipal Officer (Infrastructure)/PIO, Municipal Committee, Peshawar.
2. Mr. Qamar Taj (Complainant)

[Signature]
Assistant Registrar
Right to Information Commission
KPK, Peshawar.



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Dated: 18th Feb., 2015

(Complaint No. 00307)

Ref: Mr. Tariq Iqbal vs. PDA, Peshawar

Proceedings

Complainant Mr. Tariq Iqbal in person present. Mr. Ayaz Ahmad Housing Officer/PIO, alongwith Irshad Hussain Assistant, Peshawar Development Authority, Peshawar are also present.

This complaint is regarding the rules for treatment of extra land and supply of cancellation order in respect of **plot No. 611 F-10. Phase VI, Hayatabad Peshawar**. The learned PIO should supply both these documents/information to the requester. Hence the requester is directed to visit the office of PDA on **23/02/2015**, where the information will be handed over to the complainant-requester. Both the parties would report the compliance to this Commission.

Sd/
Chief Information Commissioner

Sd/
Commissioner- I

Copy to:-

1. Mr. Tariq Iqbal (Complainant)
2. Mr. Ayaz Ahmad, Housing officer/PIO, Peshawar Development Authority, Peshawar.

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 18th Feb., 2015

(Complaint No. 00236)

Ref: Mr. Pervez Khan vs. PDA, Peshawar

Proceedings

Complainant Mr. Pervez Khan in person present. Mr. Ayaz Ahmad Housing Officer/PIO, alongwith Irshad Hussain Assistant, Peshawar Development Authority, Peshawar are also present.

The representative of the PDA has stated that he has not been appointed as PIO. He was given a copy of the law wherein under Section 6:

"every Public Body is bound to designate one officer as Public Information Officer within 120 days for the purposes of law."

In case no PIO is designated, the Officer Incharge of the Public Body shall be Public Information Officer. It would be better that the PDA notify PIO as soon as possible under intimation to this Commission and also place his name on their Website.

It may also be mentioned herein that all the allotment letters in respect of plots finally allotted by the PDA, must be placed it on their Website.

This complaint is still outstanding against the PDA and there is no gain saying that this is one of the oldest complaints pending in this Commission creating embarrassment for this Commission. All the information sought by the requester is in the knowledge of the PIO. His attention is also inviting to letter written by Additional Secretary (LGRDD), dated: 01/01/2015, wherein the Director General of PDA was positively order for the supply of information. After passage of two months, incomplete information was provided to the requester.

The PDA is directed to provide the information to the requester completely on or before 02/03/2015. The Complainant is directed to visit the office of PDA to collect the requested information.

Sd/
Chief Information Commissioner

Sd/
Commissioner- I

Sd/
Commissioner-II

Copy to:-

1. Mr. Pervez Khan (Complainant)
2. Mr. Ayaz Ahmad, Housing Officer/PIO, Peshawar Development Authority, Peshawar.

[Signature]
Assistant Registrar
Right to Information Commission,
KPK. Peshawar.



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Dated: 19th Feb., 2015

(Complaint No. 00192)

Ref: Mr. Asif Bashir vs. Provincial Assembly, Peshawar

Proceedings

Complainant Mr. Asif Bashir in person present. Mr. Nasrullah Khattak Additional Secretary/PIO, Provincial Assembly, Peshawar is also present.

The PIO informed that he has compiled all the requested information regarding the complaint and has submitted it to the Speaker of Provincial Assembly, because under the Rules of the Provincial Assembly, no communication can be made without informing Speaker of the Provincial Assembly. The PIO was directed to immediately show the information to the Speaker and thereafter provide it to the complainant with compliance being reported to this Commission.

Sd/
Chief Information Commissioner

Copy to:-

- ✓ 1. Mr. Asif Bashir (Complainant)
2. Mr. Nasrullah Khattak, Additional Secretary/PIO, Provincial Assembly, Peshawar.

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 19th Feb., 2015

(Complaint No. 00192)

Ref: Mr. Asif Bashir vs. Provincial Assembly, Peshawar

Proceedings

Complainant Mr. Asif Bashir in person present. Mr. Nasrullah Khattak Additional Secretary/PIO, Provincial Assembly, Peshawar is also present.

The PIO informed that he has compiled all the requested information regarding the complaint and has submitted it to the Speaker of Provincial Assembly, because under the Rules of the Provincial Assembly, no communication can be made without informing Speaker of the Provincial Assembly. The PIO was directed to immediately show the information to the Speaker and thereafter provide it to the complainant with compliance being reported to this Commission.


Chief Information Commissioner

Copy to:-

1. Mr. Asif Bashir (Complainant)
2. Mr. Nasrullah Khattak, Additional Secretary/PIO, Provincial Assembly, Peshawar.


Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 19th Feb., 2015

(Complaint No. 00388)

Ref: Mr. Syed Aizaz Hussain Shah vs. IG Prison, Peshawar

Proceedings

Complainant Syed Aizaz Hussain Shah is not in attendance. Miss Ayesha Rahat Ali, Psychologist/PIO, alongwith Miss Ubaida Saleem, Support Officer, IG Prison, Peshawar are present.


The PIO stated that she has already sent the requested information to Home Department which is the parent Department of the Prison Department. The complainant has also been informed on 02/01/2015 regarding the same.

Complainant be inquired from as to whether he has received the response and told that if he is not satisfied he can complain to the Commission.

Sd.
Chief Information Commissioner

Copy to:-

1. Mr. Syed Aizaz Hussain Shah (Complainant)
2. Miss Ayesha Rahat Ali, Psychologist/PIO, IG Prison Department, Peshawar


Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Dated: 19th Feb., 2015

(Complaint No. 00223)

Ref: Mr. Syed Aizaz Hussain Shah vs. IG Prison, Peshawar

Proceedings

Complainant Syed Aizaz Hussain Shah is not in attendance. Miss Ayesha Rahat Ali, Psychologist/PIO, alongwith Miss Ubaida Saleem, Support Officer, IG Prison, Peshawar are present.

The PIO, during the hearing stated that the Prison Department is a very sensitive Department and all matters regarding giving information thereof are usually referred to Home Department, which is their parent Department. A copy of the Right to Information Act, 2013, was provided to the PIO and she was informed that the information which is sought by the applicant, if not sensitive should be provided to him immediately and this Commission accordingly. All the same, the Department may claim exemption under the RTI Act, 2013, on any of the four points raised in the complaint.

Besides this, it was explained to PIO that apparently none of the four points which are written by complainant in his complaint, fall within the exemption clause.

The PIO informed that information in this regard will be sent to the complainant on 20/02/2015 and the Commission informed accordingly.

Sd.

Chief Information Commissioner

Copy to:-

1. Mr. Syed Aizaz Hussain Shah (Complainant)
2. Miss Ayesha Rahat Ali, Psychologist/PIO, IG Prison Department, Peshawar

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.



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Fax: +92-91-9211163

Dated: 19th Feb., 2015

(Complaint No. 00223)

Ref: Mr. Syed Aizaz Hussain Shah vs. IG Prison, Peshawar

Proceedings

Complainant Syed Aizaz Hussain Shah is not in attendance. Miss Ayesha Rahat Ali, Psychologist/PIO, alongwith Miss Ubaida Saleem, Support Officer, IG Prison, Peshawar are present.

The PIO, during the hearing stated that the Prison Department is a very sensitive Department and all matters regarding giving information thereof are usually referred to Home Department, which is their parent Department. A copy of the Right to Information Act, 2013, was provided to the PIO and she was informed that the information which is sought by the applicant, if not sensitive should be provided to him immediately and this Commission accordingly. All the same, the Department may claim exemption under the RTI Act, 2013, on any of the four points raised in the complaint.

Besides this, it was explained to PIO that apparently none of the four points which are written by complainant in his complaint, fall within the exemption clause.

The PIO informed that information in this regard will be sent to the complainant on 20/02/2015 and the Commission informed accordingly.

Sd.
Chief Information Commissioner

Copy to:-

1. Mr. Syed Aizaz Hussain Shah (Complainant)
2. Miss Ayesha Rahat Ali, Psychologist/PIO, IG Prison Department, Peshawar

[Signature]
Assistant Registrar
Right to Information Commission,
KPK, Peshawar.