



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
Near BRT Abdara Station, Behind Jabar Flats,
Arbab Colony, University Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: +92-91-9216557
Fax: +92-91-9216561

REF: - MR. MUHAMMAD AMJAD VS TEHSIL MUNICIPAL ADMINISTRATION,
ABBOTTABAD
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9512)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Amjad sought some information from Tehsil Municipal Administration, Abbottabad regarding;

1) Attested copy of Silk Valley Phase-II Map

- ii. The complaint was examined by the Commission vis-à-vis under various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence personal hearing issued to the Public Body on dated; **11-01-2024** to explain the factual position.
- iii. Incompliance the District Architect TMA Abbottabad and Tehsil Officer (Reg) attended the Commission and submitted that the information pertaining to Silk Valley Housing Scheme Phase-II is yet to approve by the District Scrutiny Committee and the same cannot be provided till the final approval of the Scrutiny Committee.

2. OBSERVATIONS OF THE COMMISSION:

The Commission observed the said information is premature for provision however the same can be obtained once after approval of the scrutiny committee.



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3. DECISION:

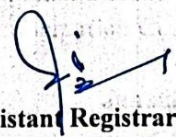
In view of the above the Commission decided to dispose of complaint.

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-sd-
Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARH/1-9512/2023/ 23563-68 dated: 19 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The Tehsil Municipal Administration, Office of the Tehsil Municipal Administration, Abbottabad.
4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Muhammad Amjad (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar.
Peshawar.



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**REF: - MR. SALAHUDIN VS KAGHAN DEVELOPMENT AUTHORITY, MANSEHRA
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10357)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Salahudin sought information from Kaghan Development Authority, Mansehra regarding:
 - 1) Signed and approved minutes of technical and planning committee of the Kaghan Development Authority held on 31-03-2023.
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. In this regard personal hearing notice issued to the Public Body on 11.01.2024 to explain the factual position.
- iii. In compliance the Assistant Director Kaghan Development Authority attended the Commission and submitted the relevant portion of the minutes before the Commission and stated that the complete minutes cannot be shared due to policy related issues of the Department.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, complete minutes of the meeting of the subject complaint be shared with the Commission for examination and decision.
- ii. It has also been observed that, no P.I.O notification has been issued by the Public Body concerned as mandated under Section 6 of KP RTI Act 2013.



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3. DECISION:

- i. In view of the above, the Commission decided to direct the Director General of the Public Body concerned to notify P.I.O not below the rank of BPS-17 as mandated under the Act *ibid*.
- ii. It was further decided to direct the Public Body concerned to share complete "minutes of the technical and planning committee" of the subject complaint with the Commission within five working days of the receipt of this order.


-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARH/1-10357/2023/ 23851-56 dated: 19 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Director General, Kaghan Development Authority, Abbottabad.
3. To the Assistant Director, Kaghan Development Authority, Abbottabad.
4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Salahudin (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar,
Peshawar.



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**REF: - MR. SHAHID AHMED VS. DEPUTY COMMISSIONER DISTRICT BUNER
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10091)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Shahid Ahmed sought following information regarding the post of Computer Operator.

- 1) Advertisement and date of advertisement
- 2) The criteria which is used or will be used for the selection of candidates.
- 3) Name and designation of Interview panel
- 4) Merit list
- 5) Copy of appointment order (if any)

- ii. The complaint was examined by the Commission vis-à-vis under various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to respond to the complainant under intimation to the Commission. But no response received from the Public Body.

Consequently, the Commission issued personal hearing notice to the Deputy Commissioner (Buner) to attend the Commission on 11-01-2024 to explain the factual position.

- iii. Incompliance, the Additional Deputy Commissioner/PIO attended the Commission and submitted that, the advertisement process for filling the vacant posts were initiated meanwhile some of the applicants asked for the merit list and appointment orders as they believe that the process had been completed. Later on the process was postponed due NOC issues from the Election Commission of Pakistan and the process is still pending.



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2. OBSERVATIONS OF THE COMMISSION:

The Commission observed that, the requisite information in the instant complaint is premature for provision.

3. DECISION:

In view of the above, the Commission decided to dispose of the case.


-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARM/1-10091/2023/23557-62 dated: 19 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The Deputy Commissioner, District Buner.
3. The Additional Deputy Commissioner, District Buner.
4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Shahid Ahmad (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar,
Peshawar.



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**REF: - MS. SAMAR HAROON BILOUR VS GALYAT DEVELOPMENT AUTHORITY,
ABBOTTABAD
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10481)**

1. FACTS OF THE COMPLAINT:

i. Brief facts of the case are that a citizen/ complainant namely Mrs Samar Haroon Bilour sought information from Galiyat Development Authority, Abbottabad regarding below:

- 1) Complete file of Bilour house Abbottabad House No. 51/4/CHD
- 2) A letter from the Director Galiyat Development Authority should be provided. Letter No. GDA/79/3-D/716/ADM Dated: 08/03/20
- 3) A letter from the Director Galiyat Development Authority should be provided. Letter No. GDA/79/3-D/716/ADMN Dated: 08/03/2004.
- 4) A letter from Bashir Ahmad Bilour Director General Galyat Development Authority be proved Dated on 01/12/2011.
- 5) A letter from the Director General Galiyat Development Authority should be provided Letter No. GDA/7DG/9809/ADM dated: 19/01/2011
- 6) A letter from the Director General Galiyat Development Authority should be provided, Letter No. DGA/7DG/284/ADM Dated: 19/03/2012.
- 7) A letter from the Director General Galiyat Development Authority should be provided, Letter No. GDA/7-DG/2506-9/ADM Dated 10/02/2010.
- 8) A copy letter written by Haroon Bashir Bilour Shaheed should be provided dated on 13/02/2018.
- 9) A letter from the Assistant Director Admin Galiyat Development Authority should be



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provided. Letter no GDA/12 606/ADM dated:
09/03/feb/2018.

10) A copy of the letter written by Ahmad Tanoli on
30th January 2022 should be provided.

11) A letter from the Director Galiyat Development
Authority should be provided. Letter No.
GDA/5790-93/ADMN dated: 11/02/2022.

- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information. However, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence, personal hearing notice was issued to the Public Body dated; **11-01-2024** to explain the factual position.
- iii. In compliance the Assistant Director Galiyat Development Authority attended the Commission and apprised the Commission that, the complainant is no more owner of the house. Hence, the information is exempted as the husband of the Complainant sold out the same to another person.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that, the information sought by the complainant is non-specific. However, the complainant has addressed a letter to Chief Secretary Khyber Pakhtunkhwa with a copy endorsed to the Commission vide dairy No CS/KP/11/23 dated; 23/12/2023 that, Public Body may provide the copy of letter of Bank of Khyber addressed to Sub Registrar for "cancellation of Redemption Deed" along with the register of dairies of the Sub Registrar office of previous year.



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3. DECISION:

In view of the above; the Commission decided to direct the Public Body to provide the copy of the requisite letter for "cancellation of Redemption Deed" and copy of register of Sub Registrar office along with ownership document to the Commission for examination and decision within seven working days positively.


For the Commission,
Date: 19/01/2024
Place: Peshawar

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARP/1-10481/2023/ 23539-44 dated: 19 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Chief Secretary Khyber Pakhtunkhwa.
3. The Director General, Galiyat Development Authority, Abbottabad.
4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mrs. Samar Haroon Bilour (Ex-Member Provincial Assembly) (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar,
Peshawar.



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**REF: - MR. ZAHID ISLAM VS ASSISTANT DIRECTOR LOCAL GOVERNMENT
AND RURAL DEVELOPMENT, DISTRICT KARAK
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO.10425)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Zahid Islam sought information from Assistant Director Local Government & Rural Development Department District Karak regarding:

1) Copies of bank statement and previous cashbook of village council Bahadar Khel for the year 2015 to 2019.

- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information. However, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence, personal hearing notice was issued to the Public Body dated 11-01-2024 to explain the factual position.

- iii. Incompliance, the Assistant Director LG & RDD Karak along with Village Secretary Bahadar Khel attended the Commission and submitted the requisite information i.e cash book and bank statement to the Commission.

2. OBSERVATION:

- i. The Commission observed that, there is nothing in the information/ record which hits any of the exempted categories of information as the record pertained to official account of the Public Body.



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3. DECISION:

- i. In view of the above, the Commission decided to share the information so viewed with the complainant and disposed of the case accordingly.


-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARK/1-10425/2023/ 93652-57 dated: 23 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Assistant Director, Local Government & Rural Development Department, Karak.
3. The Secretary, Village Council Bahadadur Khel, Karak.
4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Zahid Islam (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar.
Peshawar.



REF: - MR. SAIF ULLAH ABBASI VS TEHSIL MUNICIPAL ADMINISTRATION,
ABBOTTABAD
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9476)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Saifullah sought information from Tehsil Municipal Administration, Abbottabad regarding File Number **27/97/TAX** holding;

- 1) Page number,1
- 2) Map of the shops
- 3) Auction record of the shops.

- ii. The complaint was examined by the Commission under various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information However, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence, personal hearing notice was issued to the Public Body dated; **11-01-2024** to explain the factual position.

- iii. Incompliance the representative of the Public Body i-e District Architect TMA Abbottabad and Tehsil Officer (Reg) attended the Commission and informed the Commission that, the information contained in the file is missing and is not traceable. Because, the officer of the Public Body has not handed over the same to the incumbent Tehsil Municipal Officer Abbottabad.

iv. OBSERVATIONS OF THE COMMISSION:

The Commission observed that,

- i. It is a matter of great concern that, official record is missing and it has not been reported to the competent authority.
- ii. The Commission also observed that, the incumbent officer should have reported this to the competent authority for inquiry or registered an FIR against the delinquent officer.



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2. DECISION:

- i. In view of the above; the Commission decided to recommend independent inquiry to the administrative Secretary i-e Secretary Local Government, Election & Rural Development Khyber Pakhtunkhwa against Tehsil Municipal Officer Abbottabad under Section 25(3) of the Act ibid and submit a compliance report to the Commission within 15 working days positively.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARH/1-9476/2023/23786-91 dated: 26 January, 2024.

Copy to:

- 1) PS to Chief Information Commissioner, KP Information Commission, Peshawar.
- 2) PS to Secretary, Local Government Elections and Rural Development Department, Khyber Pakhtunkhwa.
- 3) The Tehsil Municipal Officer, Office of the Tehsil Municipal Administration, Abbottabad.
- 4) The District Architect, Office of the Tehsil Municipal Administration, Abbottabad.
- 5) The Tehsil Officer (Reg), Office of the Tehsil Municipal Administration, Abbottabad.
- 6) The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
- 7) Mr. Saif ullah Abbasi (Complainant).

Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar.
Peshawar.



REF: - MR. REHMAN ULLAH VS DISTRICT EDUCATION OFFICER (MALE)
DISTRICT UPPER DIR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10141)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr.Rehmanullah sought information from District Education Officer (Male) regarding;

1) Seniority List of Class-IV employees in District Education Office Upper Dir.

- ii. The complaint was examined by the Commission under various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information. However, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence, personal hearing notice was issued to the Public Body dated; 11-01-2024 to explain the factual position.
- iii. Subsequently, an email received from District Education Officer (male) requested for adjournment of personal hearing in the instant complaint, due to heavy official task of Election related arrangements.

2. OBSERVATIONS OF THE COMMISSION:

The Commission observed that,

- i. The information sought by the complainant came within the preview of Section 5 of KP RTI Act 2013 and needs to be pro-actively disclosed on the official page of the Public Body.
- ii. The Commission further observed that, the Public Body shall facilitate the citizens by providing similar nature information at earliest as mandated by Section 10 of the Act *ibid*.



3. DECISION:

- i. In view of the above the Commission decided to direct the District Education Officer (Male) Upper Dir to pro-actively disclose the requisite information on the official page as mandated by Section 5 of the Act *ibid*.
- ii. It was further decided to direct District Education Officer (Male) concerned to provide the requisite information to the Commission within seven working days positively.


-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARM/1-10141/2023/ 23780-85 dated:
26 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Director, Directorate of Elementary and Secondary Education Department, KhyberPakhtunkhwa.
3. The District Education Officer (Male), Dir Upper.
- 4. The Deputy Director: (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Rehmanullah (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar,
Peshawar.



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**REF: - MR. RASHID AHMAD, HUMAYON AKHTAR AND JAN MUHAMMAD VS.
PUBLIC HEALTH AND ENGINEERING DEPARTMENT LOWER KOHISTAN.
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9685, 9688 & 9788)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that all the above referred complainants sought information from Public Health and Engineering Department Lower Kohistan regarding;
 - 1) The details about the measures taken in order to provide drinkable water in Lower Kohistan.
 - 2) Information about how sewerage treatment plants are effective in removing pollution from Pathan Lower Kohistan?
- i. The complaints were examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond para wisely to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information. However, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence, personal hearing notice was issued to the Public Body dated; 11-01-2024 to explain the factual position.
- ii. No one from the Public Body attended the Commission.

OBSERVATIONS OF THE COMMISSION:

The Commission observed that;

- i. The P.I.O of the concerned Public Body failed to attend the personal hearing or comply with the direction of the Commission which is a clear violation of the provisions of KP RTI Act.
- ii. It is further observed that, the said information is of public importance.



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2. DECISION:

- i. In view of the above; the Commission decided to recommend a formal inquiry against Executive Engineer Public Health and Engineering Department Lower Kohistan to Secretary Public Health and Engineering Department Khyber Pakhtunkhwa being the administrative Secretary/Head of the Department for considerable delay on the part of Public Body in provision of the record.
- ii. It was also decided to direct the Deputy Secretary (Admn) to retrieve the requisite information from the quarter concern and submit the same to the Commission within 15 working days positively.

-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARH/1-9685/2023/ 23792-98 dated: 26 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa.
3. The Executive Engineer, Public Health Engineering Department, Lower Kohistan.
- 4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Rashid Ahmad (Complainant).
6. Mr. Humayun Akhtar (Complainant).
7. Mr. Jan Muhammad (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office
Peshawar, Peshawar.



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**REF: - MR. ZAHID ISLAM VS ASSISTANT DIRECTOR LOCAL GOVERNMENT
AND RURAL DEVELOPMENT, DISTRICT KARAK
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO.10425)**

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Zahid Islam sought information from Assistant Director Local Government & Rural Development Department District Karak regarding:

- 1) Copies of bank statement and previous cashbook of village council Bahadar Khel for the year 2015 to 2019.

- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and it was decided to direct the Public Body to respond to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information. However, the Public Body failed to respond to the Commission which warranted personal hearing in the instant complaint. Hence, personal hearing notice was issued to the Public Body dated 11-01-2024 to explain the factual position.

- iii. Incompliance, the Assistant Director LG & RDD Karak along with Village Secretary Bahadar Khel attended the Commission and submitted the requisite information i.e cash book and bank statement to the Commission.

2. OBSERVATION:

- i. The Commission observed that, there is nothing in the information/ record which hits any of the exempted categories of information as the record pertained to official account of the Public Body.



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3. DECISION:

- i. In view of the above, the Commission decided to share the information so viewed with the complainant and disposed of the case accordingly.


-sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date: KPIC/ARK/1-10425/2023/ 23742-47 dated: 26 January, 2024.

Copy to:

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. PS to Assistant Director, Local Government & Rural Development Department, Karak.
3. The Secretary, Village Council Bahadadur Khel, Karak.
4. The Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Zahid Islam (Complainant).


Assistant Registrar,
KP Information Commission,
Divisional Office Peshawar,
Peshawar.



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REF: - MR. ZAHOOR KHAN VS. CENTRAL POLICE OFFICE, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9993)

(25th January 2024)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Zahoor Khan sought information from the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, here after referred as Public Body as below:

- 1) Complaint of the applicant.
- 2) Notification of the inquiry officer, Gohar Ali, SDPO, Regi Circle, Peshawar.
- 3) Statement of allegations.
- 4) Charge Sheet.
- 5) Statement of complainant Zahoor Khan before the E.O.
- 6) Statement of accused Ghzandar Ali SI, before the E.O.
- 7) Inquiry report of the inquiry officer.
- 8) Penalty imposed on the accused Ghzanfar Ali.

- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to respond under section 10 of the KP RTI Act, 2013, to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body rather than providing the requisite information parawisely to the Commission

Page 1 of 3



was involved in lengthy correspondence with the Commission. Thus, the Commission decided to take up the complaint with the PIO office in the personal hearing of Complaint No.10611.

- iii. The PIO appraised the Commission that the complaint was delayed due to unnecessary observation of the quarter concerned.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that in the instant case the Public Body has been involved in lengthy correspondence with the Commission which was unwarranted on the part of the Public Body as once the Commission directs the Public Body to share the requisite information parawisely with the Commission then the Public Body is duty bound to do so as the job of the Commission is to balance the provision of information by the Public Body and the complainant as provided by the Act *ibid*.

3. DECISION:

- i. In view of the above; the Commission decided to direct the PIO concerned to get the information from the quarter concerned and to provide the requisite information parawisely to the Commission within seven working days positively.

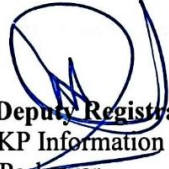


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sd-
Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9993/2023/ 24119-25 dated: 12 February 2024

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar
3. AIG (Legal)/PIO, Central Police Office, Peshawar.
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Mr. Zahoor Khan (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. ABDUL JALIL MOHMAND VS. IRRIGATION DEPARTMENT, WASRSAK
CANAL DIVISION, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9722)**

(25th January 2024)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Abdul Jalil Mohmand sought information from the Irrigation Department, Warsak Canal Division, Peshawar here after referred as Public Body to submit parawise response to the information sought from Para 1 to Para 6; some of which are mentioned below:
 - 1) IPC Copy of Warsak Canal
 - 2) Remoduling and rehabilitation project
 - 3) IPC; MBs and expenditure amount
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to submit parawise response to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission directions. Thus; the Commission issued personal hearing notice to the Director General/PIO to explain the factual position.
- iii. Incompliance, Executive Engineer, Irrigation attended and appraised the Commission that the Public Body has upheld due to the fact that the same is not used by the complainant for mala fide purposes. The public body provided information except IPC which warranted personal hearing



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2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the presumption that the provision of information may be used for mala fide purposes is not maintainable as the information falls within the category of matters of public importance for the citizens.

3. DECISION:

- i. In view of the above, the Commission decided to direct the Executive Engineer concerned to provide the same to the Commission within three working days positively.

sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9722/2023/

24065-70

dated: 12 February 2024

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Executive Engineer/PIO, Warsak Canal Division, Irrigation Department, Peshawar
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Abdul Jalil Mohmand (Complainant)

Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF: - MR. SARDAR HUSSAIN VS. DIRECTORATE GENERAL SOIL & WATER
CONSERVATION, AGRICULTURE TRAINING INSTITUTE, PESHAWAR
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 9199)**

(25th January 2024)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Sardar Hussain sought information from the Directorate General Soil & Water Conservation, Agriculture Training Institute, Peshawar here after referred as Public Body to submit parawise response to the information sought from Para 1 to Para 6; some of which are mentioned below:

- 1) Statement of Expenditures for the year 2018-19 and 20-21
- 2) Amount received in different heads and its utilization for the year 2018-19 and 20-21
- 3) Total expenditure incurred on the maintenance on vehicle there POA and Lock Book for the year of 2018-19 and 2020-21
- 4) Total expenditure incurred in terms of TA DA and medical allowance for the year of 2018-19 and 2020-21
- 5) Details of employees on regular posts and projects for the year 2018-19 and 2020-21.
- 6) Expenditure incurred and purchase and details of the purchase committee for the year 2018-19 and 2020-21.



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- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to submit parawise response to the Commission. A series of correspondence were made between the Commission and the Public Body for the provision of information however, the Public Body failed to respond to the Commission directions. Thus; the Commission issued personal hearing notice to the Director General/PIO to explain the factual position.
- iii. However, the Public Body failed to attend the Commission.

2. OBSERVATIONS OF THE COMMISSION:

- i. The Commission observed that the information sought in the instant complaint in para 1, 2, needs to be proactively disclosed on the official website of the Public Body.
- ii. The Commission also observed that non-compliance of the Commission directions by the Public Body warrants inquiry by the Administrative Secretary in the instant case.

3. DECISION:

- i. In view of the above, the Commission decided to take up the matter with the Administrative Secretary i.e. Secretary to Government of Khyber Pakhtunkhwa, Agriculture Department, Peshawar to enquire for continuous non-compliance on the part of the Public Body and take corrective measures to this affect.



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- ii. The Commission also decided to direct the Administrative Secretary to retrieve the requisite information from the quarter concerned and submit the same with the Commission within seven working days positively.

sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-9199/2023 24058-64 dated: 12 February 2024

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Agriculture Department, Peshawar
3. Director General/PIO, Directorate General Soil & Water Conservation, Agriculture Training Institute, Peshawar
4. Deputy Director (Communication), KP Information Commission, Peshawar.
5. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
6. Mr. Sardar Hussain (Complainant)


Deputy Registrar,
KP Information Commission,
Peshawar.



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**REF:- MR. MUHAMMAD WASIM VS. EXCISE & TAXATION DEPARTMENT,
DISTRICT SOUTH WAZIRISTAN
PERSONAL HEARING UNDER SECTIONS 25 & 26 OF THE KP RTI ACT, 2013
(COMPLAINT NO. 10894)**

(25th January, 2024)

1. FACTS OF THE COMPLAINT:

- i. Brief facts of the case are that a citizen/ complainant namely Mr. Muhammad Wasim sought information from the Excise and Taxation Department, District South Waziristan here after referred regarding as below:

- 1) Total Amount of Tax Collected
 - 2019:
 - 2020:
 - 2021:
 - 2022:
 - 2023:
 - 2) Capacity in which taxes were collected:
 - 3) Markets in District Tank Paying taxes (Market).
 - Name:
 - Total Revenue:
 - Number of shops:
 - Shop Area:
 - Tax Rate per square feet:
- b) Market Name 2:
- Total Revenue
 - Number of shops
 - Shop Area



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- Tax Rate per square feet
 - Number of shops considered under construction:
- 4) Names of taxpayers in each market:
 - 5) Number of vehicle registrations:
 - Fee of each vehicle registration:
 - Total Number of documents submitted:
 - 6) Submission to National Exchequer:
 - Amount submitted:
 - Date of submission:
 - 7) Any receipts supporting the information provided above
- ii. The complaint was examined by the Commission vis-à-vis the various provisions/sections of the KP RTI Act 2013, and decided to direct the Public Body to respond parawisely to the complainant. A series of correspondence were made between the Public Body and the Commission but the reply of the Public Body was not satisfactory. This warranted the Commission to issue personal hearing notice to the Excise Taxation Officer/PIO, South Waziristan to attend the commission and explain the factual position.
- iii. Incompliance the PIO attended the Commission and appraised the Commission except Para 1 all others information does not pertain to their office & submitted the requisite reply to this effect vide Dairy No. 11775 Dated: 25-01-2024.



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2. DECISION:

- i. In view of the above; the Commission decided to share the same with the complainant and dispose of the instant complaint accordingly.

sd-

Farah Hamid Khan
Chief Information Commissioner.

Endst No. & date RTIC/AR/1-10894/2023/24052-57 dated: 12 February 2024

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. The Excise & Taxation Officer/PIO, Excise & Taxation Department, District South Waziristan.
3. Deputy Director (Communication), KP Information Commission, Peshawar.
4. Deputy Director (IT), KP Information Commission, Peshawar for uploading on the Official Website.
5. Mr. Muhammad Wasim (Complainant)

Deputy Registrar,
KP Information Commission,
Peshawar.