



In the Pakistan Information Commission, Islamabad

Appeal No 1246-08/21

Saddia Usman

(Appellant)

Vs.

Capital Development Authority

(Respondent)

ORDER

Date: April 01, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Ms. Saddia Usman dated August 04, 2021, stating that she submitted information request dated July 06, 2021 under the Right of Access to Information Act 2017 to the Secretary CDA Board / Public Information Officer, Capital Development Authority. The Respondent public body has not responded to her information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as under:
 1. *“List of the properties / land owned by the Capital Development Authority.*
 2. *List of the properties / land given to the Non-governmental organization / private organization on lease or rent along with following details,*
 - a. *Date on which lease was awarded.*
 - b. *Total time duration (years) for which the land is given on lease.*
 - c. *Annual lease / rent received from each property / land.*
 - d. *Total area of each property.*
 - e. *Market value of the each property.*
 - f. *When the lease agreement was revised last time.*

3. *Whether it is a fact that CDA has provided the land on lease to the Shifa International Hospital Trust (Shifa Trust), if so, please provide the following details,*
 - a. *Copy of the agreement signed with the Shifa International Hospital Trust (Shifa Trust)*
 - b. *Provided terms and conditions of the lease agreement.*
4. *Provided the agreement documents of land with the management of FAST-NU sector H.11.*
5. *Please provide the copy of court decision in which CDA won the case against the management of private school named GSIS in sector H.8.*
6. *Please provide the details of education institution which were either demolished or vacated in the residential areas of Islamabad after the Supreme Court's decision against the functioning of commercial activities in residential areas."*

B. Proceedings

3. Through a notice dated August 09, 2021, sent to Secretary CDA Board / Public Information Officer, Capital Development Authority the Commission stated that "Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)".
4. Through another notice dated September 28, 2021, the Respondent was 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 file and the Right of Access to Information Act, 2017.
5. The appeal was fixed for hearing on November 16, 2021 and both parties were informed through notices sent on November 01, 2021.
6. Mr. Syed Ali Asghar, on behalf of Capital Development Authority, attended the hearing and requested time for the provision of the requested information. Hearing was adjourned for December 07, 2021.
7. Mr. Syed Ali Asghar, on behalf of Capital Development Authority, again appeared before the Commission and requested time for provision of the information. The appeal was adjourned for January 04, 2022.

8. Through a notice dated January 27, 2022 the Respondent was again directed to submit written arguments within 15 working days otherwise the appeal will be decided Ex-Partee in the light of the record available on file and the Right of Access to Information Act, 2017.

C. Discussion and Commission's View on Relevant Issues

9. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.

10. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (e) and 6 (b) of the Act.

11. The information requested by the appellant is also public record under the Section 6 (b) of the Act, which is as under:

“(b) Transactions involving acquisition and disposal of property and expenditures are undertaken by a public body in the performance of its duties and functions.”

12. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.

13. The Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite committing multiple times the provision of the information to the appellant during the hearings held in Pakistan Information Commission, the public body is reluctant to provide the requested information to the appellant.

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.

15. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires

federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

D. Order

16. Appeal is allowed. Secretary, CDA Board / Public Information Officer, Capital Development Authority is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
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 in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
18. Copies of this order be sent to Secretary CDA Board / Public Information Officer, Capital Development Authority and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: April 01, 2022

This order consists of 4 (four) pages, each page has been read and signed.