



In the Pakistan Information Commission, Islamabad

Appeal No 2199-09/22

Rana Abrar Khalid

(Appellant)

Vs.

Capital Development Authority

(Respondent)

ORDER

Date: November 03, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Abrar Khalid dated September 06, 2022, stating that he submitted an information request dated June 13, 2022 under the Right of Access to Information Act 2017 to the Capital Development Authority. The Respondent public body has not responded to his 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:

“Sir, I want to know that has the Capital Development Authority (CDA) granted NOC and approved the building plan/design of the multy-story building project "Al Safa Arcade II" Sector F-11, Islamabad (Islamabad Capital Territory) under the CDA Building Control Regulations? If yes, when and on which conditions?”

ii. If Capital Development Authority (CDA) has granted NOC and approved the building plan/design of the malty story building project "Al Safa Arcade II" Sector F-11, Islamabad (Islamabad Capital Territory) under the CDA Building Control Regulations, please mention the name of applicant/owner/owners of the project.

iii. If Capital Development Authority (CDA) has granted NOC and approved the building plan/design of the malty-story building project "Al Safa Arcade II" Sector F-11, Islamabad (Islamabad Capital Territory) under CDA Building Control Regulations, please mention the terms & conditions of NOC and provide the copy of NOC & approved Building Plan/design.

iv. *Has the builder ever been found involved in violation of NOC, building plan/design during construction (on any stage) of the multy-story building project "Al Safa Arcade II" Sector F-11, Islamabad and notices have been issued by CDA for violation of NOC& building plan/design? If yes please provide the copy of notices.*

v. *Were about one and a half dozen or more flats/apartments built in basement of the building, were they included in the building plan/original design of the building (Al Safa Arcade) F-11 Islamabad, and the sale of each flat/apartment in millions of rupees (crores) was done as per the terms of NOC? What action was taken by the CDA?*

vi. *Is it true that according to the building plan/design car parking was to be in the basement of the malty-story building "Al Safa Arcade II" F-11 Islamabad, on the contrary the project management/owners violated the building plan/design and instead of car parking in the basement about one and half a dozen or more build flats/apartments and sell them (per flat/apartment) for millions of rupees (illegally)?*

vii. *Is it true that the CDA sent a fine/penalty notice to the project management / owners of Al Safa Arcade II F-11 Islamabad and they have not yet complied with the fine/penalty notice? If this is true then please tell me how much was the fine and why it has not been collected from the builder yet? Please provide a copy of the fine/penalty notice.*

viii. *Is it true that CDA had in the past issued notices/orders to the project management/owners to demolish about one and a half dozen or more flats/apartments in the basement of the malty-story building "Al Safa Arcade II" F-11 Islamabad? If this is true, did about one and a half dozen or more flats/apartments built in the basement of the building be demolished or not? If not, what is the reason?*

ix. *Is it true that (project management/owners are claiming) CDA officials have taken crores of rupees in bribes and settled the matter of serious violation of building plan/design of the malty-story building "Al Safa Arcade II" F-11 Islamabad."*

B. Proceedings

3. Through a notice dated September 13, 2022, sent to Secretary (CDA Board), 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. The appeal was fixed for hearing on October 18, 2022 and both parties were informed through notices sent October 04, 2022.

C. Discussion and Commission's View on Relevant Issues

5. The commission has to decide:

The question for the consideration of the commission is that whether the requested information is public record or not under the Right of Access to Information Act, 2017 hereafter referred to as Act?

6. The appellant has requested information about the approval of the multi-story commercial building "Al Safa Arcade II" situated at Sector F-11 Islamabad.

7. This Commission in an order on "Appeal No 1014-04-2021 Nadeem Umer Vs Cantonment Board Rawalpindi" has maintained that *"the requested information is related to the commercial buildings therefore the record sought by the appellant is one of public importance and interest for the public at large. Keeping in view the spirit of the act for upholding the transparency the sort of information is mandated to be published and displayed as required under section 5 of the Act."*

There is no cavil in holding that the information and record pertaining to the approved maps and layout plan of the commercial buildings must be made available by the Board on the website as well as on the notice board of the office and at the site to the access of the general public."

8. It is pertinent to mention that Cantonment Board Rawalpindi, in compliance of the above mentioned order of the Commission has shared the all approved maps of the commercial buildings situated in their jurisdiction of the website.

9. 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

10. Appeal is allowed. Secretary (CDA Board), 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.

11. 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.
12. Copies of this order be sent to Secretary (CDA Board), Capital Development Authority and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: November 03, 2022

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