

Pakistan Information Commission

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Appeal NO-448-07/2020

Ch. Tariq Ramzan

(Appellant)

Vs.

Chairman

Capital Development Authority

(Respondent)

ORDER

Date: October 5, 2020

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 20/07/2020 in which he stated that he had requested information from Capital Development Authority under the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 13/12/2019, is as under:
“Attested copies of CDA Property Transfer File regarding formerly **Plot No. 307/House No.45 (now as per CDA record) 41-41-A, Street No. 12, Sector F-6/3 Islamabad.**”

B. Proceedings

3. Through a notice dated 23/07/2020, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent did not respond to the notice and the hearing date was fixed for 29/09/2020 through the hearing notice sent on 17/09/2020 and both parties were informed accordingly.
5. No one appeared on behalf of the Respondent on the date of hearing on 29/09/2020.

C. Discussion and Commission's View on Relevant Issues:

6. The questions before the Commission are as under:
 - a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
 - b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
7. The appellant shared his plight that he along with his sisters was deprived from Sharia share from the estates of parents by his real brother Sikander Ramzan Ch. And Sister-in-law Samina Babar Ramzan by plotting against him, hence he requested the above-mentioned documents from the Capital Development Authority.
8. Capital Development Authority falls under the Section 2 (ix) of the Act making it a Public Body hence giving the Commission complete authority to help the citizen extract the required information from the respondent.
9. The perusal of the requested information shows that it falls under the Section 6 (c) of the act making it public record.
10. The Respondent has failed to comply by Section 9 of the Act and appoint a Public Information officer to date.
11. There is a failure to obey Section 13 which lays down in great detail the procedure for the acceptance or refusal of information requests as they did not bother to provide the reason for the rejection of the request.
12. The Public Body failed to respond to the respondent within the stipulated time limit under Section 14 of the act.
13. The respondent is not only depriving the Appellant of its constitutional right under Article 19-A of the Constitution of Islamic Republic of Pakistan but also a statutory right under various provisions of the Right of Access to Information Act 2017, by denying the requested information.
14. It is mandatory for a public body to provide the information within time-frame mentioned in the Act. This is only possible when records are properly maintained. The Act requires indexation and computerisation of all records held by public bodies which will help them to comply with their obligation under this Act.
15. Had the Respondent gone through the Act after receiving the request for information of the Appellant and notices of this Commission, clearly referencing the act it would have saved time and resources of this Commission.
16. The Commission is of the view that wilful delay or denial of the requested information not only costs time but also excessive expenditure to the citizen and the Commission.
17. Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information.

18. It is shocking to see such gross negligence of law by such an influential and essential Public body such as Capital Development Authority. This is not the first request being received by the Commission against CDA, various requests have been received in the past as well but the Public Body has not cared to take any step to comply by the act.
19. 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

20. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
21. Respondents are directed to notify Public Information Officers, (PIOs), under Section 9 of the Act, put their contact details on their web sites as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
22. Respondents are 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 5/11/2020.
23. Copies of this order be sent to the Capital Development Authority, Chairman, and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

October 5, 2020

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