

**In the Pakistan Information Commission, Islamabad**

Appeal No. 143-11/19

Shehzad Ahmed Khan

(Appellant)

V/S

Capital Development Authority

(Respondents)

**ORDER**

Date: 15.01.2020

**Fawad Malik. Information commissioner**

**A. APPEAL**

1. The brief facts of the instant appeal are that Shehzad Ahmad Khan (appellant) filed the appeal before the Commission complaining therein that he had requested the Chairman, Capital Development authority, Islamabad (Respondent) under the Right of Access to Information Act 2017 through his application dated 14.10.2019 to provide him information but the public body has not provided him the requested information as required under the Act.

The requested information is as under:-

- *Provide certified copy of Capital Development Authority's (CDA) Annual Financial Audit Reports for the following Years:*
  - i. *Financial Year 2018-19*
  - ii. *Financial Year 2017-18*
  - iii. *Financial Year 2016-17*



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## **B. PROCEEDINGS**

2. The Commission issued a notice dated 11.11.2019 directing the respondent to provide reasons within 7 working days of the receipt of the notice as to why the requested information has not been provided to the appellant. The notice was not responded by the respondent, therefore the appeal was fixed for hearing on 2.1.2020 and the respondent as well as the appellant were informed accordingly through notice dated 03.12.2019.

## **C. DISCUSSION AND COMMISSION'S VIEW**


3. In an identical appeal No.144-11/19 titled (Shehzad Ahmed Khan vs Metropolitan Corporation Islamabad) vide order dated 01.01.2020, the Commission has dealt with common questions which are in issue in the appeal at hand, therefore the discussion and Commission's view in the appeal No.144-11/19 may be read and considered as integral part of this judgment. The text of the same is as under:-

*" The questions for the consideration of the commission are as under:*

- (a) Whether audit reports are public records?*
- (b) At what stage audit reports are finalized?*
- (c) Which public body is in the possession of an audit report? And*
- (d) Whether the public body followed the process laid down in the Right of Access to Information Act 2017 for responding to information requests?*

*An audit report is a public document under Section 5(i) of the Right of Access to Information Act 2017 which is as under:*

*"Reports including performance report, audit reports, evaluation reports, enquiry or investigation report and other reports that have been finalized".*

  
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*The audit report is finalised by the Auditor General of Pakistan, (AGP) and audit of only a certain number of public bodies is conducted each year. Each audit report contains audit paras of a public body whose audit is conducted in a given year.*

*In parliamentary democracy, business of Parliament is conducted through standing committees through open proceedings. The commission is of the view that an audit report becomes a public document once it is laid before Public Accounts Committee, (PAC) after the approval of the President of the Islamic Republic of Pakistan.*


*The elected representatives in their collective wisdom have included Section 5 in the Act so that maximum information is proactively provided to the citizens of Pakistan by ensuring its proactive disclosure through web sites of public bodies. Since Section 5 of the Act includes audit reports, the Auditor General of Pakistan should immediately place on its web site each audit report once it is laid in the Public Accounts Committee. Similarly, each federal public body should proactively publish through its web site audit paras if included in the audit report of a given year.*

*The benefits of proactive disclosure of audit reports can hardly be exaggerated. It will not only be cost-effective but will also save time of the commission and that of federal public bodies in responding to appeals and information requests of citizens pertaining to audit reports.*

*The commission is of the view that the Respondent failed to implement Section 11 (1) of the Right of Access to Information Act 2017 as requested information has not been provided to the appellant. The commission takes strong exception to the fact that the Respondent failed to respond to the notices of the commission and the information requests of a citizen. The Respondent failed to respond to the information request in accordance with the provisions of sections 12 and 13 of the Act."*

#### **D. Order**

4. The appeal is allowed. The Respondent is directed to provide certified copies of audit paras if included in the audit reports laid by the Auditor General of Pakistan before Public Accounts Committee for the Financial Years 2016-17, 2017-18 and 2018-19 within 10 working days of the receipt of this Order.

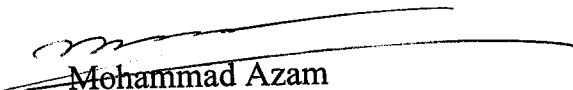
  
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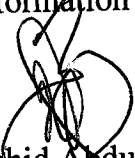
(4)

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 by 18/02/2020.

Copies of this order be sent to the Respondent, the Appellant and the Auditor General of Pakistan for information and necessary action.


  
Mohammad Azam  
Chief Information Commissioner

  
Fawad Malik  
Information Commissioner

  
Zahid Abdullah  
Information Commissioner

Announced on:  
January 16, 2020

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

  
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