

## **Pakistan Information Commission**

### **Government of Pakistan**

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### **In The Pakistan Information Commission, Islamabad**

#### **Appeal No 534-08/20**

**Nadeem Umer**

(Appellant)

Vs.

**Capital Development Authority**

(Respondent)

### **ORDER**

**Date:** March 18, 2021

**Zahid Abdullah:** Information Commissioner

#### **A. The Appeal**

1. The Appellant filed an appeal, dated August 29, 2020, to the Commission, stating that he submitted an information request to Chairman, Capital Development Authority on August 11, 2020 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:
  - (1) “When was the map of Tele Garden Housing Scheme Sector F-17 Islamabad first submitted to CDA and how many times it has been amended since then? Provide certified copies of all maps till date.
  - (2) Tehsildar, Soil Inspection and other NOCs have been taken for Tele Garden. A true copy each NOC of them should also be provided.
  - (3) Please Provide Numbers of commercial buildings/Plots in Tele Garden
    - (a) What are the names and plot numbers of these buildings?
    - (b) When the map of these buildings was passed, a copy of these maps should be provided
  - (4) How many complaints of illegal constructions have been received in Tele Garden so far? What action has CDA taken on it till date? Copies of all inquiries should be provided.
  - (5) A copy of CDA rules, procedures, SOPs should be provided to ensure construction as per the original map.
  - (6) Provide copies of log book about all reports on how many times and when CDA( Inspector, Engineer, Officers) visited the Tele Garden to ensure that the construction was carried out according to the original plan.
  - (7) Provide details of the number of departmental inquiries made against the building inspectors, Engineer, Officers stationed at the Tele Garden and a copy of the complete Inquiry Report.
  - (8) How many schools, universities, community centers, Play Grounds, Grave yards are there in Tele Garden till date? A copy of their maps should also be provided.
  - (9) Give details of the amount being received in the case of property tax and other taxes in Tele Garden.

- (10) Provide annual wise details of the fees charged in the last ten years for ownership transfer.”

## **B. Proceedings**

3. Through a notice dated September 4, 2020, sent to Chairman, Capital Development Authority the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Appeal was fixed for hearing on October 06, 2020 and both parties were informed through a notice sent on September 23, 2020.
5. Ms. Beenish Javaid, Deputy Director (HS-1), Capital Development Authority attended the hearing held on October 06, 2020 and requested more time to provide the requested information. The appeal was adjourned for 20-10-2020.
6. The Respondent on October 22, 2020 submitted its response/information, which was shared with the appellant on November 13, 2020.
7. The appellant on November 17, 2020 submitted rejoinder to the information shared with him, which is as under:  
*“The information shared by the public body is incomplete, the public body has not provided the information requested in following paras,*
  - **Para-2:** Tehsildar, Soil Inspection and other NOCs have been taken for Tele Garden. A true copy each NOC of them should also be provided
  - **Para-3:** Please Provide Numbers of commercial buildings/Plots in Tele Garden
    - (a) What are the names and plot numbers of these buildings?
    - (b) When the map of these buildings was passed, a copy of these maps should be provided
  - **Para-4:** How many complaints of illegal constructions have been received in Tele Garden so far? What action has CDA taken on it till date? Copies of all inquiries should be provided.
  - **Para-5:** A copy of CDA rules, procedures, SOPs should be provided to ensure construction as per the original map.
  - **Para-6:** Provide copies of log book about all reports on how many times and when CDA (Inspector, Engineer, Officers) visited the Tele Garden to ensure that the construction was carried out according to the original plan.
  - **Para-7:** Provide details of the number of departmental inquiries made against the building inspectors, Engineer, Officers stationed at the Tele Garden and a copy of the complete Inquiry Report.
  - **Para-8:** How many schools, universities, community centers, Play Grounds, Grave yards are there in Tele Garden till date? A copy of their maps should also be provided.
  - **Para-9:** Give details of the amount being received in the case of property tax and other taxes in Tele Garden.
  - **Para-10:** Provide annual wise details of the fees charged in the last ten years for ownership transfer.”
8. The commission through a notice dated January 08, 2021 was directed to provide information in relevance to the questions asked by the Appellant within 10 working days.
9. Despite the passage of more than two months, the Respondent has not provided the requested information to the appellant.

## **C. Discussion and Commission’s View on Relevant Issues**

10. This commission is of the view that the requested information about Tehsildar, Soil Inspection and other NOCs for Tele Garden is public information and certified copies of NOCs and related inspection reports should have been provided to the Appellant.
11. This commission is of the view that the citizen has only asked information about the numbers and names of commercial buildings and plots in Tele Garden and not private information about the owners of these buildings/plots and the Respondent, CDA should have provided the requested information to the Appellant. Similarly, requested information about the maps of the buildings/plots and when were these maps approved is of public importance and should have been provided to the Appellant.
12. The requested information about total number of complaints of illegal constructions received pertaining to Tele Garden is of public importance and finalised enquiry reports should not only have been provided to the Appellant but the finalised enquiry reports should have been made available by CDA on its web site in pursuance of the implementation of Section 5 (1) (i) of the Right of Access to Information Act 2017.
13. The requested information about CDA's CDA rules, procedures, SOPs should not only have been provided to the Appellant but should have been made available on the web site of the Respondent in pursuance of Section 5 (1) (a) of the Right of Access to Information Act 2017.
14. A logbook contains the visits undertaken by inspectors as part of their duties and certified copies of these logbooks should have been provided to the citizen.
15. If the Respondent, CDA has conducted any departmental enquiries against building inspectors, Engineer, Officers stationed at the Tele Garden, total number of these enquiries and certified copies of all such finalised reports should have been provided to the Appellant.
16. The Respondent, CDA should have provided requested information about the total number of schools, universities, community centers, Play Grounds, Grave yards in Tele Garden along with certified copies of their maps to the citizen.
17. The Respondent, CDA should have provided the requested information about the total amount of tax being collected in different categories from Tele Garden. Similarly, fee charged for ownership transfer should have been provided to the Appellant.
18. This commission is of the view that requested information in the instant appeal will bring into public domain the working of CDA as a regulator and as such is of public importance.

#### **D. Order**

19. The appeal is allowed. The Respondent, Capital Development Authority is directed to provide the following requested information to the Appellant, with intimation to this commission within 7 working days of the receipt of this Order:
  - Certified copies of NOCs and inspections reports of Tehsildar, Soil Inspection and other NOCs pertaining to Tele Garden.
  - Certified information about total number of commercial buildings/Plots in Tele Garden along with names and number of these plots/buildings, certified information as to when their maps were approved along with certified copy of each map
  - Certified information about total number of complaints of illegal constructions received pertaining to Tele Garden to date certified information about action taken on each complaint. Copies of all finalised enquiry reports should be provided.
  - Certified copies of CDA rules, procedures, SOPs

- Certified copies of log book pertaining to the visits of CDA (Inspector, Engineer, Officers) in Tele Garden as part of their official duties.
- Certified copies of all finalised enquiry reports against building inspectors, Engineer, Officers stationed at the Tele Garden, total number of enquiries initiated against these officials.
- Certified information about total number of schools, universities, community centres, Play Grounds, Grave yards in Tele Garden to date along with their certified maps
- Certified information about total amount of tax being collected in different categories from Tele Garden
- Certified information about year wise details of the fees charged in the last ten years for ownership transfer in Tele Garden

20. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

March 19, 2021

This order consists of 04 (four) pages, each page has been read and signed