



In the Pakistan Information Commission, Islamabad

Appeal No 650-10/20

Sbarafat Ali Zia

(Appellant)

Vs.

Capital Development Authority

(Respondent)

ORDER

Date: April 04, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Sharafat Ali Zia dated September 24, 2020, stating that he submitted information request dated August 11, 2020 under the Right of Access to Information Act 2017 to the Chairman, 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:
 - i. Detail of amenity plots including plots for mosques, schools, community center, grave-yard, play-ground, hospital/ dispensary, market, bank, post office, enquiry offices of service-providing agencies like CDA/MCI, IESCO, SNGPL, PTCL, bus/wagon stand etc., along with size of each plot provided in the approved lay-out/ development plan of Model Village Chak Shahzad (Shahzad Town) Islamabad
 - ii. Details regarding present status of every said plot vis-à-vis date of its allotment; name of allottee; price charged from allottee; date of delivery of possession to allottee; further utilization thereof; and existing market price in case the plot is still lying vacant/ un-utilized; and

iii. Details of non-conforming use of any of the said plots noticed by the CDA and corrective action, if any, taken so far.”

B. Proceedings

- 3. Through a notice dated October 07, 2020, sent to Chairman, Capital Development Authority 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 November 25, 2020, 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 March 24, 2021 and both parties were informed through notices sent on March 11, 2021.
- 6. The appellant through an email dated May 04, 2021 submitted rejoinder to the response of the public body which is as under;

“It is to state that the public body under reference has not provided completes information requested by me in my application dated 11th August, 2021, as explained below:-

<i>Information requested by Applicant</i>	<i>Response of public body i.e. CDA in brief</i>
<i>i. Detail of amenity plots including plots for mosques, schools, community center, grave-yard, play-ground, hospital/ dispensary, market, bank, post office, enquiry offices of service-providing agencies like CDA/MCI, IESCO, SNGPL, PTCL, bus/wagon stand etc., along with size of each plot provided in the approved lay-out/ development plan of Model Village Chak Shahzad (Shahzad Town) Islamabad</i>	<i>Copy of the Lay-out Plan (LOP) of M.V Chak Shahzad (Shahzad Town) provided by the CDA Board Office vide their letter No. CDA/SCB/RAI-2017/2021/350 dated 3rd March, 2021 on the basis of feedback provided only by CDA’s Planning Wing vide their letter No. CDA/PLW/RP-1(2) (Genl0 /2021/74 dated 2nd February, 2021 contains only partial information. The Board Office did not bother to coordinate with their other Directorates to obtain and forward complete information. The LOP does not indicate the location and sizes of amenity plots meant for Union Council, Community Center, Post Office, T &T Office, MCI/ IESCO/ Sui-Gas Enquiry Offices/ Complaint Offices, scheduled bank etc.</i>
<i>ii. Details regarding resent status of every said plot vis-à-vis date of its allotment;</i>	<i>Planning Wing has stated in their letter referred to above that no such record is</i>

<i>name of allottee; price charged from allottee; date of delivery of possession to allottee; further utilization thereof; and existing market price in case the plot is still lying vacant/ un-utilized; and</i>	<i>present in Regional Planning Development and that the said record vests with Estate Management-1 of CDA. But the CDA Board Office did not get and provide their feed-back to the Applicant.</i>
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- 7. Response of the Appellant was shared with the public body on May 20, 2021 with directions to respond to the queries of the Appellant within 10 working days.
- 8. The Appellant through an email August 01, 2021 again informed this Commission that the department has shared incomplete information with him.
- 9. The Appeal was again fixed for hearing on August 31, 2021 and both parties were informed through notices sent on August 03, 2021. Mr. Misbah ul Mustafa Advocate, Hassam Bin Waseem, Town Planner CDA, Syed Ali Asghar Advocate and Sted Safdar Ali Shah, PIO, CDA attended the hearing and submitted response which was shared with the Appellant on August 31, 2021.
- 10. The Appellant through an email dated September 05, 2021 submitted rejoinder to the response of the public body which is as under:

“It may please be recalled that the information requested by the Applicant in letter dated 11th August, 2020 addressed to the Chairman, Capital Development Authority had three paras as already intimated in my E-Mail dated 10th May, 2021 (copy appended at the end of this E-Mail). While the information provided by the CDA on parts (i) and (iii) mostly meets the

Applicant’s needs the requirement of information requested in part (ii) of the request letter dated 11th August, 2020 have not been properly understood by the respondent agency. Due to this reason, they have not been able to provide the information as required. To let the respondent public body have due clarity on the specific information requested under part (ii) ibid the requirement is explained below in greater details:-

Part of Information request	Requested information’s details
(ii)	Details regarding present status of every amenity plot indicated in response to request made at part (i) namely; schools, community center, play-ground, or play-field, hospital or dispensary, commercial bank, post office, enquiry offices of service-providing agencies like CDA, MCI, IESCO, PTCL, bus/ wagon stand etc. provided in the approved lay-out plan of Model Village Chak Shahzad (now Shahzad Town) showing name of each allottee individual/ department; date of allotment of plot; price charged from the allottee, date of delivery of possession to allottee; and lastly, the present status whether the plot is still lying

	vacant or stands utilized by way of construction made thereon by the allottee.
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- 10. The Respondent through letters dated September 10, 2021 and November 02, 2021 has shared copies of internal correspondence made by the Public Information Officer to collect required information for relevant departments.
- 11. The Appeal was against fixed for hearing February 01, 2022 and both parties were informed through notices sent on Jan 06, 2022. No one appeared before the Commission to represent the Respondent in the hearing held on February 01, 2022.

C. Discussion and Commission’s View on Relevant Issues

- 12. 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.
- 13. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (e) and 6 (b) of the Act.
- 14. 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.”
- 15. 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”.
- 16. 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.

17. 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.
18. 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

19. 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.
20. 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.
21. 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 04, 2022

This order consists of 5 (five) pages, each page has been read and signed.