



**In The Pakistan Information Commission, Islamabad**  
**Appeal No 1370-10/21**

**Sharafat Ali Zia**

(Appellant)

Vs.

**Capital Development Authority**

(Respondent)

**ORDER**

**Date:** May 11, 2022

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. This commission has received an appeal from Mr. Sharafat Ali Zia dated October 02, 2021, stating that he submitted information request dated September 06, 2021 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 follows:
  - (i) *“Date of completion of sinking/ construction of tube-well located at the intersection of Street No. 1 and Street No. 18 of Shahzad Town:*
  - (ii) *Amount of funds spend on sinking/ construction of said tube-well along with expenditure incurred on laying pipelines in streets to provide water to the Town residents from the said tube-well.*
  - (iii) *Particulars of the Contrator(s) engaged for sinking/ construction works of the said tube-well along with providing a copy of work order(s) issued to him/ them;*
  - (iv) *After the completion of tube-well under reference, how long did the CDA continue supplying water from it to the residents of Shahzad Town?*
  - (v) *Date on which said tube-well stopped functioning along with reasons thereof; and*
  - (vi) *Has the CDA any plan to make the said tube-well functional? If so, a proper time-frame for the same may please be indicated; if not what is the next plan before the management to provide un-interrupted water supply to the Town residents.”*

**B. Proceedings:**

3. Through a notice dated October 12, 2021, sent to Secretary, CDA Board / Public Information Officer, Capital Development Authority, the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied with in the given time.

4. The Respondent through a letter vide No. CDA/SCB/RAI-2017/2021/1892 dated October 28, 2021 submitted its response which is as under:  
“

<b>No.</b>	<b>Contents of the question</b>	<b>Reply</b>
i.	<i>Date of completion of sinking/ construction of tube-well located at the inter-section of Street No. 1 and Street No. 18 of Shahzad Town:</i>	(i) 15-07-2011
ii.	<i>Amount of funds spend on sinking/ construction of said tube-well along with expenditure incurred on laying pipelines in streets to provide water to the Town residents from the said tube-well.</i>	(ii) Rs.3,564,369/-
iii.	<i>Particulars of the Contrator(s) engaged for sinking/ construction works of the said tube-well along with providing a copy of work order(s) issued to him/ them;</i>	(iii) M/s T.S.K Engineering International
iv.	<i>After the completion of tube-well under reference, how long did the CDA continue supplying water from it to the residents of Shahzad Town?</i>	(iv) No water has been supplied from the said tube-well to the residents of the Shahzad town.
v.	<i>Date on which said tube-well stopped functioning along with reasons thereof; and</i>	(v) The said tube-well is non-functioning since the completion period, as the installation of transformer was delayed and during this delayed period the underground water detection has been changed.
vi.	<i>Has the CDA any plan to make the said tube-well functional? If so, a proper time-frame for the same may please be indicated; if not what is the next plan before the management to provide un-interrupted water supply to the Town residents.</i>	(vi) After installation of transformer, several efforts have been made to make the subject tube well functional, but the same could not be operative, at the required optimum due to lesser quantity of available underground water. Moreover, as alternate arranged CDA has already supplying water to the residents of Shahzad Town from another Tube-well of national Park Area Islamabad.

5. Response submitted by the public body was shared with the Appellant on December 24, 2021.
6. The Appellant on January 03, 2021 submitted rejoinder to the response of the public body which is as under:

<b>S. No</b>	<b>Information requested by the application</b>	<b>Information provided by the CDA</b>	<b>Information and provided by the CDA</b>
(iii)	<i>Particulars of the contractor(s) engaged for sinking/ construction works of the said tube-well along with providing a copy of work order(s) issued to him/ them;</i>	<i>M/s T.S.K Engineering International</i>	<i>Copy of work order(s) issued to the Contractor along with copies of its enclosures, if any, mentioned therein, duly certified/ verified as required in Section 13 (3) of the applicable Act (No. XXXIV of 2017)</i>

7. Rejoinder submitted by the Appellant was shared with the public body on January 06, 2022, with the directions to submit response to the queries of the Appellant within 10 working days.
8. The Appeal was fixed for hearing on March 01, 2022 and both parties were informed through notices sent on February 04, 2022.
9. No one appeared on behalf of the Respondent to attend the hearing.

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

10. The commission has to decide:
  - i. Whether the remaining requested information falls within the ambit of public document under the Right of Access to Information Act, 2017, hereafter referred to as the "Act" or not?
11. The respondent has provided all the requested information to the appellant except documents requested in Para (iii) of his information request dated September 06, 2021.
12. The information requested in para (iii) of the information request filed by the appellant is also public record under the Section 5 (e) of the Act, which is as under:  
*"e) The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body."*
13. This Commission observes that the Respondent is continuously wilfully denying the Right of Access to Information as guaranteed in the Article 19A of the Constitution of Pakistan, and the Right of Access to Information Act 2017 by not implementing the earlier passed verdicts of this Commission in multiple orders.
14. 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.
15. 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**

13. 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.
14. 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
15. 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: May 11, 2022

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