

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. e171-10-2021

Zarshed Khan

Versus

Cooperative Societies Department, Islamabad Capital Territory, Islamabad

Date: 29.12.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr Zarshed Khan, a resident of Nowshera, KPK lodged a complaint on citizen portal inquiring delay in possession and the failure of the management committee, Ministry of Interior Employees Cooperative Society located in sector G 16, as required under the byelaws of the society. He has desired last three financial reports of the sector G 16 under the right of access to information and record from the organization.
2. The office of the society vide letter dated 15.09.2021 responded as follows:

“Kindly refer to your letter No. 5284/CR/ICT/B dated 17.08.2021 along with PCP complaint No. FC130721-88715389 dated 13.09,2021 on the subject cited above. The factual position of the case is as under:-

- i. That complainant Mrs. Fatima Zarshed w/o Mr. Zarshad Khan purchased the membership No. 1818 from open market on 01.09.2013 and was well aware that the Plot 1443 earmarked against the said membership falls in non-possession area.*
- ii. That MIECHS earmarked various plots to its honourable bonafide members during the year 2009 after getting the approval of the same during General Body Meetings.*
- iii. That the passage of motorway bifurcated the sector G-16 into two parts and land measuring 829 kanal (approximate) belong to society was acquired by CDA without compensation. The matter is sub-judice before Honourable Islamabad High Court, Islamabad.*
- iv. The baseless allegations made by the complainant against MIECHS is incorrect as the AGM could not be held because of the global pandemic of COVID-19 virus and the complaint can get access to the audit report from the office of circle registrar.*

The new elected Managing Committee of MIECHS is making hectic efforts including inter-alia through Court of Law to purchase/take possession of Land from local land owners CDA. Possession of above mentioned quoted plots shall be handed over once Society gets possession of the said land.”

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3. The appellant feeling dissatisfied with the reply and the provision of information has filed appeal before the Pakistan Commission on access to information on 11.10.2021.

B. PROCEEDINGS.

4. The notice of the Commission is responded by the Assistant Registrar, Cooperative Societies Department, I.C.T, Islamabad vide letter dated 22.11.2021. The same is reproduced hereunder:

“You are requested to ask the complainant to approach this office for getting photocopies of the desired record which will be provided to him forthwith if available in this office.”

5. The appeal was fixed for hearing before the Commission on 29.12.2021. Mr. M. Arif appeared on behalf of the appellant. Nemo for the respondent organization.

C. COMMISSION’S VIEW.

6. The appellant being a member of the Ministry of Interior Employees Cooperative Society located in sector G-16, is effected due to the delay in the possession of the plot has desired the last three financial reports under the right of access to information and record, from the organization. The respondent vide letter dated 17.08.2021 has prompted information in sufficient detail to the appellant. It is also apprised that AGM could not be held because of the global pandemic of COVID-19 virus however the complainant can get access to the audit report from the office of circle registrar.
7. In the appeal before the Commission the appellant has objected that the behaviour of the society was not cordial and reiterated for the provision of last three financial reports of sector G-16. The organization vide letter dated 22.11.2021 asked the appellant to approach the office for access to the desired record. Suffice to say that being the citizen of Pakistan and moreover being the member of the society, the appellant has the right to desire any information of record from the public body that falls in the category of public record and which is of public importance. The appellant cannot be compelled to approach the office of the public body for collecting the information however he/she can approach the office of his/her own choice, if so wishes. The public body is under obligation to provide the citizen all information and record in the mode chosen by the

citizen i.e. postal, email, by hand or any other mode that is suitable and available in the office.

8. The requested information is the category of record that ought to have been posted proactively on the website by the office of the organization, as mandated in section 5 of the Right of Access to Information Act, 2017, to keep the members update with the progress.
9. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, misuse of authority and power and inefficiency in the governance.

D. ORDER.

10. The appeal is allowed. The Registrar, Cooperative Societies Department is directed to arrange the provision of all available information and record desired by the appellant in connection with the plot forthwith in the mode opted by the appellant, but in any case not later than ten days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 05.01.2022

Certified that this order consists of three (3) pages, each page has been read and signed.