

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No. 2095-07/2022

Syed Afan Hussain

Vs

Federal Employees Cooperative Housing Society

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Syed Afan Hussain filed an application under the Right of Access to Information Act, 2017. Through his application dated 06.07.2022 addressed to the Administrator, Federal Employees Cooperative Housing Society, Islamabad he has requested the provision of list with details of all commercial/ high rise building plots allotted to any individual, firm, contractor or any land provider by the ex-management committee headed by than president, Major (R) Aftab Ahmed Qureshi and Secretary Abdul Sati. The text of the request is reproduced as under:

“May I invite your very kind attention to my subject request and to state as being a member of F.E.C.H.S, Islamabad have my certain serious legal concerns about the affairs of society pertaining to tenure of its ex-Management Committee from 16th December 2018 to 1st June 2021 as was then headed by its then President Maj (r) Aftab Ahmed Qureshi and Abdul Sati (secretary), I therefore request you to kindly provide me the details of all commercial/high rise building plots allotted to any individual or firm or contractor or any land provider with the valuation leter or auction sheet in Jinnah Garden Phase-I, Phase-II and Korang Town by the Ex-Management committee. The information is being asked as per law of the land i.e. “Right of Access to Information act 2017”.I undertake to pay all fee and other expenditures as may have to be incurred by your office for its providing me the requested information to me. I shall the highly obliged if the requested information is provided to me at the earliest possible.”

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2. Feeling aggrieved for the non-provision of the information within the time frame provided under the Act the appellant has filed appeal before Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Director (coordination) Federal Government Employees Housing Authority vide letter dated 4.8.2022, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act, 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The notice wasn't responded therefore the appeal was fixed for hearing before the Commission on 14.9.2022 but no one appeared to represent the public body.

C. COMMISSION'S VIEW

5. While dealing with the matters related to information and record sought by the citizens under the Act of 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defense. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
6. The appellant has asked for the details pertaining to all commercial/high rise building plots allotted to any individual or firm or contractor or any land provider with the valuation letter or auction sheet in Jinnah Garden Phase-I, Phase-II and Korang Town by the Ex-Management committee headed by Maj (R) Aftab Ahmed Qureshi, President and Abdul Sati, Secretary.

7. Keeping in view the spirit of the act for upholding the transparency the sort of information is mandated to be published and displayed as required under section 5 of the Act. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.
8. There is no cavil in holding that the information and record pertaining to the details of all commercial and high rise building plots allotted to any individual, firm, contractor or any land provider with the valuation letter and auction sheet should have been made available by the concerned society on the website as well as on the notice board of the office and at the site to the access of the public at large.
9. The societies registered with the Registrar, Co-operative Housing Societies, Islamabad fall within the definition of public bodies as defined in the Right of Access to Information Act, 2017. Since the Federal Employees Cooperative Housing Society, Islamabad is located within the territorial jurisdiction of Islamabad, it will be treated as public body and the law of access to information and record is applicable against it.
10. 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 practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER.

11. The appeal is allowed. The Administrator, Federal Employees Cooperative Housing Society, Islamabad is directed to provide the appellant information and record pertaining to all commercial/high rise building plots allotted from 16th December 2018 to 1st June

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2021 to any individual, firm, contractor or any land provider with the valuation letter or auction sheet in Jinnah Garden Phase-I, Phase-II

and Korang Town by the Ex-Management committee headed by Maj (R) Aftab Ahmed Qureshi, President and Abdul Sati, Secretary, forthwith, but in any case not later than five days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Announced on: September 27, 2022

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