

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1080-05-2021

Khurram Mahmood Qureshi

Versus

Federal Employees Co-operative Housing Society

Hearing Date: 08.09.2021

Fawad Malik: Information Commissioner

APPEAL

1. Mr. Khurram Mahmood Qureshi, an allottee of plot No. 13, Street No. 259, Phase I, Jinnah Gardens, Islamabad vide membership No. CC-510 dated 17.05.2016 has filed appeal before the Pakistan Information Commission under section 17 of Right of Access to Information Act, 2017. He is aggrieved of non-provision of the requested information and record within the stipulated frame of time provided in the Act.
2. The appellant through his application dated 01.04.2021 addressed to the President and Secretary, Federal Employees Co-operative Housing Society, Islamabad Capital Territory has demanded the information along with the supporting documents detailed below:
 1. *“Detail of total membership of the society including:*
 - a. *Members who have made total payment against their allotted plot[s],*
 - b. *Members who have made partial amount against their allotted plot[s],*
 - c. *Members who have made payments through instalments against their plot[s],*
 - d. *Members who have not paid any amount against the plot[s],*

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- e. How many members have been allotted plots against the land acquired/purchased by the Society since its registration.*
- 2. Detail as well as documentary proof of total land owned by the society since its registration.*
- 3. Total number of Allotment Letters/Transfer Letters issued to the members and others.*
- 4. Details of funds generated and amount[s] received by the society since 2012 till to date.*
- 5. Details of Affiliations of the society's lands with other connected lands.*
- 6. Details of land sold by the society to Capital Service Co-operative Housing Society and other societies/persons/firms/companies.*
- 7. Details of all bank accounts, operated or operating by the society since, 2012 till to date along with its documentary proof.*
- 8. Details of all the allotment letters issued by the present "Managing Committee" along with other documents/proofs.*
- 9. Details of fresh memberships issued by the present "Managing Committee" along with documentary proof."*

PROCEEDINGS

3. The notice dated 04.06.2021 of the Commission was not responded therefore the appeal was fixed for hearing before the Commission on 08.09.2021 and both the appellant as well as the Secretary of respondent were informed accordingly vide notices dated 10.08.2021.
4. No one appeared before the Commission to represent the respondent public body.

COMMISSION'S VIEW

5. While dealing with the matters related to information and record sought by the citizens under the Act 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 waived. 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 to offer 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 respondent body has failed to deliver the physical possession of plots to the appellant and his family members since 17.05.2016, when they acquired the membership of the Society and the plot numbers were allotted by the management of the Federal Employees Co-operative Housing Society. 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 and inefficiency in the governance.
7. The appellant under his constitutional right enshrined in Article 19A of the Constitution of Islamic Republic of Pakistan and statutory right provided by the Right of Access to Information Act, 2017 has the right to know the details of the affairs of the Society. The details requested by the appellant pertaining to the affairs of the Society is the category of information and record that ought to have been published and posted on the website and the notice board of the office of the Society as mandated in section 5 of the Act, for access to the members of the Society and public at large. However the information and record relating to the personal privacy of the other members of the society are excluded. The policies and guidelines and transactions involving acquisition and disposal of property and other expenditure undertaken by a public body in the performance of its functions are the public record with in the meanings of section 6 of the Act.
8. It is noticed that although the respondent body was bound to notify the designated officer within thirty days of the commencement of the Act but they are in violation of the mandatory provision of section 9 of the Act.

ORDER

9. The appeal is allowed. The Secretary, Federal Employees Co-operative Housing Society is directed to provide the appellant all the requested information detailed in para 2 of this order, after severing the information touching the private privacy of the other members i.e address, phone, CNIC and bank Account numbers or the detail of their family members, forthwith but not later than seven days of the receipt of this order. He is further directed to comply the mandatory provisions of Sections 5 & 9 of the Act in letter and spirit, within 30 days of the receiving of this order, under intimation to the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 15.09.2021

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