



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1313-09/21**

**Muhammad Rafique**

(Appellant)

Vs.

**Federal Employees Cooperative Housing Society**

(Respondent)

**ORDER**

**Date:** December 14, 2021

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal dated September 03, 2021 to the Commission, stating that he Submitted an information request through an email to the President, Federal Employees Cooperative Housing Society on July 28, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as under:
  1. *“List of plots (size wise) available for allotment as on 17.12.2018*
  2. *List of persons who were eligible for allotment of plots [size wise) as on 17.12.2018 in terms of FECHS,s circular dated 02.05.2011(First program)*
  3. *List of persons to whom Plots (size wise with date ] allotted during 2011 to 17.12.2018 in terms of FECHS,s circular dated 02.05.2011(First program*
  4. *List of persons to whom possession of plot (size wise with date) given during the said period 2011 to 17.12.2018 and*
  5. *List of those allottees to whom possession not given during the said period. (2011 to 17.12.2018)*
  6. *List of plots (size) wise created/developed from 18.12.2018 to 30.06.2021 and up to date.*
  7. *List of persons to whom Plots (size wise/date wise) allotted from 18.12.2018 to 30.6.2021, and onwards up s up to date and*
  8. *List of persons to whom possession of plots (size) wise with date given during the period from to 18.12.2018 to 30.06.2021, up to date.*
  9. *List of persons to whom plots (size wise) were allotted during 2011 to 17.12.2018 but possession has not so for been given. Reason for not giving possession*

10. *List of persons to who plots (size wise with date) were allotted with or after the said persons indicated in Para 3 and 7 above and in some cases possession of plots has been given. Some not given, its justification is indicated.*
11. *Plots (size) wise date wise) available for allotment/possession as on 30.06.2021/ onwards.*
12. *List of persons to whom Plots (size wise/date wise) allotted out of turn on the recommendation of parliamentarian committee, if possession given it may also be indicated with justification for doing so.*
13. *List of employees/member of elected management of the society, their relative/implied agents to whom plots allotted or possession given (size wise date wise,) Authority be indicated.*
14. *Plots allotted/ possession | size wise date wise)given to the employees of ICT administration Islamabad working under the administrative control of DC/Commissioner ICT Islamabad during 2011 to 30.6.2021 and up to date*
15. *Present status of land purchased on Kahuta road during 2005/2006 for jinnah Garden Project*
16. *Vehicles purchased from 18.12.2018 to 30.6.2017 up to date with method of purchase, cost each vehicle.*
17. *List of vehicles owned by FECHS as on 17.12.2018.*
18. *Vehicles sold during 18.12.2018 to date indicating sale price of each.*
19. *Attested copy of log books of all said vehicles from 18.12.2018 to 30.06.2021 onwards up to date*
20. *List of employees of society, with designation, date of appointment, emoluments per month job description of each employee.*
21. *Whether rules for appointment of the said employees have been laid down and got approved from the Registrar. A copy of the same be provided.*
22. *Whether all employees who now a days are in position have been appointed in accordance with the said laid down rules? If yes, copies of advertisement of posts(s), minutes of the meetings be provided.*
23. *Whether any relative of member of elected management has been appointed as employee, yes, his/their name(s), designation with relation be indicated.*
24. *Whether any employee/public office holder or portfolio holder of the elected management society or their any relative directly or indirectly are involved in properly dealing business of FECHS or any other society, If yes, detail of the same be indicated.*
25. *Year wise income of society from 18.12.2018 to 30.06.2021 and onwards up to date.*
26. *Year wise expenditure of the society from 18.12.2018 to 30.06.2021 and onwards up to date.*

27. Whether audit of the expenditure of the society for the periods from 18.12.2018 to 30.06.2021 got conducted from lawfully authorized auditor. An attested copy of the same be provided.”

## **B. Proceedings**

3. Through a notice dated September 10, 2021, sent to President, Federal Employees Cooperative Housing Society, the Commission 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. The Respondent through a letter vide No. FECH/08/05(30x60)JG-II/2021 dated 15-09-2021 submitted its response, which is as under:

*“It is submitted that Special Audit for the period from 1 July 2010 to 30 June 2017 & Annual Audit Reports for the last 04 years (2016-2017, 2017-2018, 2018-2019, 2019-2020) of Federal Employees Cooperative Housing Society (FECHS), Islamabad was awarded by the then Circle Registrar, Cooperative Societies Department, ICT, Islamabad vide their office letter No. 2933/CR/ICT/B dated 27.05.2021 (copy attached at Annex-A) however, the same could not be conducted in the stipulated time. Meanwhile, Ex Managing Committee of FECHS has been superseded by the Registrar, Cooperative Societies Department, ICT Islamabad and the undersigned is appointed as an Administrator of FECHS vide notification No. 3072/CR/CT/B dated 01.06.2021. The undersigned initiated the said audit and requested the concerned audit firms to complete the audits of the society vide this office letter No. FECHS/Audit/2021 dated 05.07.2021 (copy attached at Annex-B) which is in progress and the same will be submitted in the office of Registrar / Circle Registrar, Cooperative Societies Department, ICT, Islamabad on its completion Information required by the complainant Mr. Muhammad Rafique will be reported in the said Audit by the concerned Auditors. The complainant can obtain a copy of said audit reports from the office of Registrar/ Circle Registrar, Cooperative Societies Department, ICT, Islamabad after its completion.”*

5. Response submitted by the Respondent was shared with the Appellant on September 21, 2021.

6. The Appellant on October 04, 2021 submitted rejoinder to the response of the public body, which is as under:

*“That applicant, being not satisfied with the response of the public body submits that:-*

*i. FECHS not furnished reply on application dated 28.7.2021. applicant filed appeal under section 17 of the Act and after issuance of notice by the Commission dated 10.09.2021, society vide its letter dated 15.09.2021 (Annex-IV) furnished interim reply on one item no.27 of the said application after 48 days against 10 working days fixed for reply under Section 14 of the said Act, further stating that information would be included in audit reports..*

*ii. Defendant/ FECHS has provided sketchy reply only on one item/issue (S.NO.27 of the application dated 28.07.2021 Annex-1)*

*and the said reply/ information are otherwise interim, distorted and misleading one. Defendant/ FECHS are required to furnish complete requested information on all the 27 Items--item wise. 1,2,3,4 and so on independent of each other within 10 working days fixed in the said Act.*

- iii. *Interim reply (Annex-IV) furnished by the defendant/FECHS on one item (s.no. 27 of application dated 28.7.2021 Annex 1) does not indicate even approximate period /date by which complete information would be submitted on the same before the honorable Commission whereas 63 days has already been passed against 10 working days fixed for the purpose in the said Act.*
- iv. *Applicant vide S.No.27 of application dated 28.07.2021(Annex-1) has requested for provision of audit report on expenditure for 2-1/2 years (18.12.2018 to 30.06.2021)/ whereas FECHS in its letter dated 15.09.2021 (Annex-IV) has replied that audit /special audit work of 11 years i.e. 2010 to 2020 has been awarded to two Chartered Accountants Firms and requested information would be included in the said reports and on its completion, copy of audit reports may be taken from Registrar/Circle registrar office, ICT Islamabad. FECHS's contention is exaggerating one. He is side tracking the real issue of providing item wise information on all the 27 items independently and is lingering on the provision of information in violation of law.*
- v. *Applicant's request dated 28.07.2021 (Annex-) contains 27 items/issues out of which one (S.no.27 of application dated 28.07.2021 (Annex-1) relates to audit report on expenditure, and rest 26 items/issues (Sr.No. 1 to 26) contain general/administrative issues which cannot be made part of issue/item of S.No.27 of the application dated 28.7.2021(Annex-1) i.e. audit report on expenditure. therefore information on 26 items no.1 to 26) is required to be furnished on item wise/issue wisely. 1.2.3.4.5.6 and so on independent of each other item. FECHS unnecessarily delayed the requested information.*
- vi. *Sir, it is quite clear from the above facts/ submissions, that all the 27 items mentioned in application dated 28.07.2021 (Annex-i) are independent of each other and item wise independent reply of all the 27 items is required but designated official of FECHS is reluctant to furnish the same mentioned in the said application dated 28.07.2021 (Annex-I)”*

7. Rejoinder submitted by the Appellant was shared with the Respondent on October 06, 2021 with the directions to respond to the queries of the Appellant within 10 working days.
8. This Commission did not receive any response, the Appeal was fixed for hearing on November 09, 2021 and both parties were informed through notices sent on November 01, 2021.
9. Mr. Adeel Anas Bhatti, Council of Federal Employees Cooperative Housing Society and the Appellant attended the hearing. The Respondent's council requested time to the provision of the requested information. he hearing was adjourned for November 16, 2021 on the request of the Respondent's Council.

10. No one appeared before the Commission to represent Respondent in the hearing held on November 16, 2021.

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

7. 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 the "Act".
8. The information requested by the appellant is declared as public record in Section 5 (e) (g) (i) and 6 (c) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
9. The citizen has the right to get this information / document to know whether the plots are allotted on merit or not. Disclosure of such information will reduce the trust gap between the public bodies and the citizens.
10. Disclosure of this information will also improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will able to make the public bodies accountable for their performance.
11. The public body is failed to the respond to the notices of commission and also did not attend the hearing held on November 16, 2021.
12. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
13. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act, the citizens have to approach the commission for information due to the the wilful delay or denial by the public which causes undue cost to citizens and the commission.
14. 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**

15. Appeal is allowed. Presidents, Federal Employees Cooperative Housing Society 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.

16. President, Federal Employees Cooperative Housing Society 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.
17. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
18. Copies of this order be sent to President, Federal Employees Cooperative Housing Society and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

December 14, 2021

This order consists of 6 (six) pages, each page has been read and signed.