



In the Pakistan Information Commission, Islamabad

Appeal No 1274-08/21

Nadeem Umer (Appellant)
Vs.
Cooperative Societies Department (Respondent)

ORDER

Date: March 31, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Nadeem Umer dated August 19, 2021, stating that he submitted information request dated July 25, 2021 under the Right of Access to Information Act 2017 to the Registrar, Cooperative Societies Department. 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 under:

“According to the directions issued on March 03, 2017 published in Gazette of Pakistan on May 17, 2027 to Cooperative Housing Societies under Section 44-D and 44-E of Cooperative Societies Act, 1925 “Every cooperative housing society shall annually furnish details of plots including their allotment, creation, sub-division or amalgamation to the concerned Municipal/Development Authority and shall endorse a copy to the circle Registrar, clearly certifying thereby that the society has not committed any violation of approved Layout Plan during that year.

You are requested to provide information,

- a. List of the societies who have not submitted the above mentioned record, from Jan 2017 to date, along with the details of the actions taken against each society. Also provide the copy of the notices / fine etc (if any issued to these societies. (Year wise breakup)
- b. List of the societies who have never submitted the above-mentioned record, along with the details of the action taken against each society. Also provide the copy of the notices / fine etc (if any) issued to these societies. (Year wise break-up)
- c. Provide copies of all Land Audit record submitted by the Cooperative Societies from Jan 2017 to date.

2. According to above mentioned notification, it was also directed that “Each member of a Managing Committee of cooperative society shall declare the details of the assets of his name or in the name of his dependents at the end of the each year.

You are requested to provide information,

- a. List of the Managing Committee members who have regularly submitted their assets details as directed in the above mentioned notifications. (From Jan 2017 to date, year and Society wise breakup)
 - b. List of the Managing Committee Members who have not submitted their assets details, along with the details of the action taken against each society. Also provide the copy of the notices / fine etc (if any) issued to them. (From Jan 2017 to date, Year and Society, wise breakup)
3. Provide the details of the measure taken by the Registrar, Cooperative Societies, to make sure the implementation of the above mentioned directions, also provide the copies of all notifications, directions, notices, fines, show cause notice (if any) issued in this regard.”

B. Proceedings

3. Through a notice dated August 24, 2021, sent to Registrar, Cooperative Societies Department 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. Through another notice dated September 28, 2021, the Respondent was directed to submit written arguments within 15 working days otherwise the appeal will be decided Ex-Partee in the light of the record available on file and the Right of Access to Information Act, 2017.
5. The Respondent through a letter vide No. 7153/CR/ICT/B dated November 16, 2021 submitted partial information, that were shared with the Appellant on November 23, 2021.
6. The appellant through an email dated December 25, 2021 submitted rejoinder to the response of the public body which is as under;
“The public body in its letter dated 16-11-2021 shared through your office, clearly stating that the only two cooperative societies have provided the information. The department has sent letters to the other societies to provide information. Hence the information in the above mentioned appeal is still incomplete. You are requested to issue directions to make sure the provision of complete information as per my information request.”
7. Response of the Appellant was shared with the public body with directions to respond to the queries of the Appellant within 10 working days.
8. The Appeal was fixed for hearing on February 22, 2022 and both parties were informed through notices sent on February 09, 2022.
9. The Appeal was again fixed for hearing on March 08, 2022 and both parties were informed through notices sent on February 22, 2022.
10. Ms. Sidra Ishaq, council Cooperative Societies Department, attended the hearing on behalf of the Respondent and requested time for the provision of the requested information. Hearing of the Appeal was adjourned for March 17, 2022.
11. Mr. Adeel Asif, Assistant Registrar, appeared before the Commission on March 17, 2022 and ensured to provide the information by March 21, 2022 but this Commission has not received any response/information from the Respondent to date.

C. Discussion and Commission's View on Relevant Issues

12. 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 Act.
13. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (b) and (e) of the Act.
14. The information requested by the appellant is also public record under the Section 5 (b) of the Act, which is as under:

“5(b) statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect;”
15. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.
16. The Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite committing multiple times the provision of the information to the appellant during the hearings held in Pakistan Information Commission, the public body is reluctant to provide the requested information to the appellant.
17. Disclosure of this information will improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will be able to make the public bodies accountable for their performance.
18. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
19. 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.
20. 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.
21. 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

22. Appeal is allowed. Registrar, Cooperative Societies Department 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.
23. 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
24. Registrar, Cooperative Societies Department is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
25. Copies of this order be sent to Registrar, Cooperative Societies Department and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: March 31, 2022

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