

Pakistan Information Commission
Government of Pakistan
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In the Pakistan Information Commission, Islamabad
Appeal No 1641-01/22

Nuzhat Zahra

(Appellant)

Vs.

Co-Operative Housing Society

(Respondent)

ORDER

Date: April 10, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated January 06, 2022, to the Commission, stating that she submitted an information request to the Registrar, Co-Operative Housing Society on January 08, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
 1. *“All plots booked on installments and given possession by MPCHS after 21.05.2018 in any block of Multi Gardens B-17.*
 2. *All Plots booked on full payments/Lumps sum payment and given possession by MPCHS after 21.05/2018 in every block of Multi Gardens B-17.*
 3. *Details of all the plots given possession after 21.05.2018.*
 4. *List of all the plots cancelled by MPCHS in all blocks of Multi Gardens B-17”.*

B Proceedings

- 3 Record available on the file shows that the Respondent did not submit its response despite duly served notices of the commission.

C Discussion and Commission’s View on Relevant Issues

4. The deafening silence of the Respondent, Pakistan Engineering Council with regard to the request for information and the notices of the commission demonstrates that the Respondent is oblivious to the shifting sands of time. The Right of Access to Information Act 2017 has empowered citizens to seek information from civil servants and they are legally bound to acknowledge their information requests and respond to them within specific time-frame.
5. In the instant appeal, the Respondent maintained radio silence and failed to respond to the duly sent notices of the commission.

6. Had the Respondent gone through the Act after receiving request for information of the citizen and notices of this commission, clearly referencing the Act, it would have saved time and resources of this Commission. It also demonstrates that the Respondent has not taken any steps for the implementation of the Act. It demonstrates that the powers vested in officers are not being exercised “reasonably, fairly, justly, and for the advancement of the purposes of the enactment” as required under Section 24A (1) of the General Clauses Act 1897.
7. This commission is of the view that the wilful delay or denial of the requested information causes undue cost to citizens and the commission. Citizens have to approach this commission for the exercise of their fundamental constitutional right of access to information which involves cost both in terms of money and time.
8. Citizens of Pakistan through their elected representatives have included the provision of imposing fine on public official who wilfully delay or deny access to the requested information so that they do not have to pay the undue cost in terms of time and money in exercising their right of access to information because of the dereliction of the duty of a public official.
9. 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.
10. This commission holds that requested information about plots booked on installments and given possession by MPCHS, Plots booked on full payments/Lumps sum payment and given possession by MPCHS, details of plots given possession after 21.05.2018 and list of all the plots cancelled by MPCHS in all blocks of Multi Gardens B-17” is public information and should be provided to the Appellant.

D. Order

11. The appeal is allowed. The Respondent is directed to provide information/records requested in para 2 of this Order to the Appellant, within 7 working days of the receipt of this Order, with intimation to this office.

12. Copies of the Order be sent to the Appellant and the Respondent for information and necessary action.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: May 10, 2022

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