

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

Appeal No 2128-08/2022

Muhammad Awais

Vs.

Pakistan State Oil

Fawad Malik: Information Commissioner

A. APPEAL

1. The brief facts of the appeal are that Muhammad Awais is appointed Guardian/ Manager of his mentally disordered real father namely Abdul Rahim by the court of competent jurisdiction to look after and manage the affairs of Bismillah Carriage Contractor, under the Mental Health Ordinance, 2001. Muhammad Awais filed an email request addressed to the General Manager, Logistic Department, Pakistan State Oil. Through his application dated 22.7.2022, he has requested the provision of the following information.
 - i. *“Provide complete attested copy of PSO Bismillah Carriage Contractor.*
 - ii. *Contract of Mr. Abdul Rahim with PSO regarding Bismillah Carriage Contractor.*
 - iii. *Provide all details regarding guarantees given & taken by PSO Bismillah Carriage Contractor to other PSO carriage contractors and other PSO carriage contractors to Bismillah Carriage Contractor.*
 - iv. *Provide all dealing written communication on letter head of Bismillah Carriage Contractor with PSO.*
 - v. *A number of stamp papers used for undertaking / agreement signs among Bismillah Carriage Contractors with PSO and others provide details.*
 - vi. *Details of all oil tankers or vehicles worked with PSO Bismillah Carriage Contractor. Such as: Token No, Invoice date, product Types, Lorry No, Shipping Pt, Destination, Quantity etc.*
 - vii. *Provide all details of who (person) is dealing with PSO on behalf of Abdul Rahim.*
 - viii. *Whose person STRN, NTN et. Has been used in PSO for Bismillah Carriage Contractor provides that attorney letter which has been issued by Abdul Rahim in favor of that person.*

- ix. Detail regarding Bank name, account number and details of payment in which the PSO transfer the bill of Bismillah Carriage Contractor.”*
2. Feeling aggrieved for the non-provision of the information within stipulated period he has filed the appeal under the Right of Access to Information Act, 2017 before the Pakistan Commission on Access to Information, Islamabad. Along with the appeal the appellant has appended the order of the Additional District Judge / Court of Protection, Gujranwala.

B. PROCEEDINGS

3. The Managing Director Pakistan State Oil vide letter dated 26-07-2022, 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 reply was not submitted therefore the appeal was fixed for hearing before the Commission on 12.10.2022.

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 information and record viz a viz Bismillah Carriage Contract with PSO and incidental thereto, by his father Abdul Rahim, presently a mentally disordered person. The appellant is appointed as Guardian / Manager by the court of competent jurisdiction to look after and manage the affairs of Bismillah Carriage Contractor, under the Mental

Health Ordinance, 2001. The appellant reserves his legal right to have access to the desired information to look after the affairs of the business of his father.

7. 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

8. The appeal is allowed. The Managing Director, Pakistan State Oil is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on October 25, 2022

This order consists of 03 (three) pages, each page has been read and signed.