



In the Pakistan Information Commission, Islamabad

Appeal No 1006-04/21

Hidayat Ullah Khan Gandapur

(Appellant)

Vs.

Peshawar Electric Supply Company

(Respondent)

Order

Date: July 12, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date April 15, 2021, to the Commission, stating that he Submitted an information request to the Chief Executive Officer, Peshawar Electric Supply Company and Superintending Engineer (Operations), Peshawar Electric Supply Company dated March 24, 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. In Gadoon sub-division of Topi division of PESCO, the location and address of premises against which payment of electricity consumer bill over Rs. 1.00 million is outstanding since 30th June 2005 along with address of its owner/occupier.
 2. Whether the provisions of section 24 (1) and section 54-A (1) of the Electricity Act, 1910 were invoked to recover the outstanding amount of electricity consumption bills from the defaulters falling in above para 1. If the reply is in positive, then the outcome of the same.
 3. If the action as indicated in para 2 ante is not initiated against the defaulters then the reasons for not resorting to the legal provision for recovering of the PESCO dues from them be explained.”

B. Proceedings

3. This commission through a notice dated April 21, 2021 sent to the Chief Executive Officer, Peshawar Electric Supply Company called upon the Respondent to submit reasons for not providing the requested information. 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 appeal was fixed for hearing on June 15, 2021 and both parties were informed accordingly through notices sent on June 04, 2021.
5. No one appeared on behalf of Respondent in the hearing held on June 15, 2021.

C. Discussion and Commission’s View on Relevant Issues

6. 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.
7. The information requested by the appellant is declared as public record in section 5 (b) 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.
8. The citizen has the right to get this information / document to know about the proceedings and action taken on their complaints. Disclosure of such information will reduce the trust gap between the public bodies and the citizens.
9. 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.
10. 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.
11. The department has failed to meet its obligations defined in Section 5(3) of the Right of Access to Information Rules 2019,
Section 5(3) of the Right of Access to Information Rules, 2019 states,
“Each public body shall publish on its website, and if such facility is not available, on its notice board the procedure of filing application and obtaining information including the schedule of costs and filing of complaint as prescribed by the Commission.”
12. According to Section 19 (d) of the Act, this commission is bound to make sure that all the information mentioned in Section 5 of the Act are available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
13. 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.

D. Order

14. The appeal is allowed. The Chief Executive Officer, Peshawar Electric Supply Company is directed to provide the information requested in Para 2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.

15. The public body 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 by August 07, 2021.
16. 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.
17. Copies of this order be sent to the Chief Executive Officer, Peshawar Electric Supply Company and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

July 12, 2021

This order consists of 3 (three) pages, each page has been read and signed.