

**Pakistan Information Commission**  
**Government of Pakistan**

1<sup>st</sup> Floor, National Arcade, 4-A Plaza  
F-8 Markaz, Islamabad  
Website: www.rti.gov.pk  
Phone: 051-9261014  
Email: appeals@rti.gov.pk  
@PkInfoComm



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1108-05/21**

**Naeem Sadiq**

**(Appellant)**

**Vs.**

**Pakistan Mineral Development Corporation**

**(Respondent)**

**Order**

**Date:** October 27, 2021

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated May 31, 2021, to the Commission, stating that he submitted an information request to Managing Director, Pakistan Mineral Development Corporation on April 29, 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:
  - a. Number of coal mines in each of the three ranges.*
  - b. Total numbers of miners working in all mines of each range.*
  - c. The starting salary (first 2 years) of miners working in each range*
  - d. Is this salary paid by cheque or cash.*
  - e. A sample appointment letter (if any) from each mine of each of*
  - f. The number of hours of work done by miners in each mine of each of the 3 ranges.*
  - g. If the miners are registered with EOBI or not. If yes, please provide a list of EOBI registration numbers of registered miners of each mine of each of the three ranges.*
  - h. If the miners are registered with Social Security or not. If yes, please provide a list of Social Security registration numbers of registered miners of each mine of each of the three ranges.”*

**B. Proceedings**

3. Through a notice dated June 14, 2021 sent to the Managing Director, Pakistan Mineral Development Corporation the commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent through a letter dated July 19, 2021 submitted response, which is as under:

*“I am directed to refer to your letter/Appeal No. 1108/0-5/2021 dated 14.6.2021 sending therewith a copy of e-mail dated 31.05.2021, copy of appeal dated 31.5.2021 and also a*

*copy of letter dated 29.4.2021 from one-Mr. Naeem Sadiq, citizens for right to information (crti) addressed to the Managing Director, PMDC.*

*In this context it is informed that earlier we received 9 letters all bearing the same date of 29.4.2021 from the different signatories asking therein to supply one and the same information. Those letters include the letters from Hamid Khwaja, Sarwar Road, Lahore, an un-known person, THE HELPLINE TRUST" signed by Farooq Dawood Herekar, DHA, Karachi, Farooq Habib, DHA-A, Islamabad, some one name unreadable, crt (unsigned), Almas Mehmood, Zamzama, Clifton, Karachi, Syed Raza Ali Gardezi, PECH, Karachi and Romana Khan, DHA, Phase 5, Karachi. These letters show that there is an organized campaign in the field to seize information from PMDC, apparently having no concern with them.*

*It is, however, stated that Pakistan Mineral Development Corporation (abbreviate "PMDC") is a public sector corporate body owned (100%) by the Govt of Pakistan and registered with Security & Exchange Commission of Pakistan. The PMDC is an Industrial and Commercial undertaking carrying on production and sale/business of coal and salt, and running Coal Mines /Salt Mines Projects in all over the country on profit & loss basis. The information asked for by the applicants relates to the business activities of PMDC and its disclosure may cause damage to the financial interests as well as lawful commercial activities of PMDC. It is stated that the PMDC has exemption under sub section d)-(ii) and (iii) of Section 16 of the TRAI Act 2017, reproduced as under:*

*"16. Subject to the provisions of this Act*

*d) Information is exempt if and so long as its disclosure is likely to cause:*

*i.....*

*ii. Damage to the financial interests of the public body by giving an unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public body for acquisition or disposal of property or supply of goods or services*

*Or*

*iii. Damage to lawful commercial activities of the public body."*

5. Response submitted by the public body was shared with the appellant on July 28, 2021.
6. The appellant submitted its rejoinder to the response of the public body, which is as under:  
"Ref your information sharing letter dated July 28, 2021 and PMDC letter PMDC/Est-1 dated July 2021.

The organization (PMDC) has not a number of citizens have asked a set of the requested information, but has also used illogical and incorrect arguments to delay the provision of information.

1. The first argument that a number of citizens have asked a set of identical questions has nothing to do with RTI Act or with provision of information, which may be requested by 1, 10 or 100 persons in a country. Thus this argument may kindly be rejected.
2. PMDC in its letter admits that it is 100 percent owned by the government of Pakistan. (Read Tax Payers money). Hence it is 100 percent essential that it accounts for every penny and every activity).
3. Third it says that it is a commercial company and the questions and the questions asked are of business nature and their disclosure may damage financial interests. Nothing could be further from the truth. Let me explain question wise, how they have nothing to do with business disclosure resulting in a loss.

a. Number of coal mines in each of the three ranges.	This information is so basic that is ought to be available on website
b. Total number of miners working in all mines of each range.	Once again this information ought to be on website. Companies infect publicly declare their number of employees as a part of their marketing.
c. The starting Salary (first 2 years) of miners working in each range	Citizens have the right to know the salaries paid by organizations. Entirely run by government funds.
d. In this salary paid by cheque or cash	It is a legal requirement to pay salary by cheque or thru banking channel. Hence this being a business secret is ludicrous.
e. A sample appointment letter (if any) from each mine of each of the 3 ranges	An appointment letter again is a legal requirement and not a business secret _ may it relate to the employment letter of a laborer or the Chief executive.
f. The number of hours of work done by miners in each mine of each of the 3 ranges.	Number of hours are regulated by law and are not a business secret
g. If the miners are registered with EOBI or not. If yes, please provide a list of EOBI registration numbers of registered miners of each mine of each of the three ranges.	EOBI is a legal requirement. Only defaulters hide this information.
h. If the miners are registered with Social Security or not. If yes, please provide a list of Social Security registration numbers of registered miners of each mine of each of the three ranges.	Social Security is a legal requirement. Only defaulters hide this information.

Hence in light of the above, the letter of PMDC/Est-01 dated July may be rejected in entirely and the organization ordered to comply with the RTI law. You are requested to kindly enable me to receive the requested information at the earliest.”

7. The appeal was fixed for hearing on September 02, 2021. Mr. Aftab Ahmed, Manager, PMDC and Ghulam Mustafa Qureshi, Council PMDC, attended the hearing and requested time for the provision of the requested information. The appeal was adjourned for September 09, 2021.
8. The respondent through a letter dated Nil, again submitted its response which is as under:  
*“Preliminary Objections*

1. *That the appeal is not maintainable under the law.*
2. *That the applicant has no locus standi to file the instant appeal.*
3. *That the PMDC is a private Limited Company and not covered under the scope and definition of “public body” under the Act ibid.*
4. *That without prejudice the legal objections taken above, the exemption from disclosure of information is available under section 16-d (ii) & (iii) of the Act ibid.*

*On Facts*

*Para-1: Denied. The information under RAI Act 2017 be asked purposely instead to ask for the same in the manner of harassment by signing one and same letter by many persons to build pressure and heroic.*

*Para-2: Denied. The appellant has wrongly interpreted the words “100% owned”. The PMDC is a private Limited company functioning through its own earning instead to receive funds from the Government for its operation.*

*Para- 3 : Denied. The information asked for is accounting based and the respondent has to prevent its disclosure in its business interest. It is mentioned that PMDC is in competition with private sector and outflow of any of its information about its business may cause damages to its commercial activities. The appellant has option to ask for information like EOBI etc. from the concerned Govt. Department instead PMDC for this disclosure.*

*In view of above the appeal in question may graciously dismissed or exemption granted as already requested vide letter dated 19.07.2021.”*

9. Response submitted by the public body was again shared with the appellant on September 30, 2021.

10. The appellant again submitted rejoinder to the response submitted by the public body which is as under:

*“It is sad to read the PMDC response. Making an error is one thing, but for a govt. organisation making blatantly false statements is a very worrying aspect.*

*1. PMDC erroneously states that the applicant has no Locus standi. The fact is that I am a citizen of Pakistan (cnic 4230137764787) and every citizen under Article 19A has the right to information. 2. The primary objection raised by PMDC that it does not come under the scope or definition of a “Public Body”, is INCORRECT. The fact is that it was formed by Govt of Pakistan’s funds, operates under the Ministry of Petroleum and half of its Directors are govt officials. All facts can be confirmed by PMDC website. To quote from the PMDC website, “ Pakistan Mineral Development Corporation*

*Ministry of Energy (Petroleum Division), Government of Pakistan PMDC is an autonomous corporation under the administrative control of Ministry of Petroleum and Natural Resources , Government of Pakistan.”.*

*Also to quote from PMDC website, half of the Directors of the PMDC Board are government officials. Please see below. Ms. Saira Najeeb Ahmed Joint Secretary (I&JV), Petroleum Division*

*Mr. Muhammad Iqbal DG (Minerals), Petroleum Division Mrs. Shahnaz Akhtar Dy. Secretary (CF), Finance Division It was also confirmed that PMDC is financed by the Government of Pakistan. This should comprehensively negate the imaginary or pretended position taken by PMDC. And HENCE ANY EXEMPTION FROM RTI ARE OUT OF HE QUESTION. PMDC as confirmed by its website is also answerable to Wafaqi Mohtisib. Hence the PMDC stance is indeed imaginary and misleading. ON FACTS It is of no relevance if the same information is asked for by one individual or a million individuals. The argument of PMDC is indeed irrational. I do not insist that the PMDC is 100 percent*

*owned by Govt. PMDC must know that even if the govt has 10 percent shares, the organization becomes liable to be questioned under the RTI law, Thus each and every argument of PMDC is grossly incorrect and misleading. It has blatantly failed to provide the requested information, for which it must be held accountable.”*

### **C. Issues**

11. The instant appeal has brought to the fore following issue:
- (a) Is the Respondent, Pakistan Mineral Development Corporation, (PMDC) a public body under the Right of Access to Information Act 2017, henceforth referred to as Act?
  - (b) Does the Appellant have any locus standi to seek information from PMDC?
  - (c) Will the disclosure of requested information cause damage to *financial interests of PMDC*?
  - (d) *Will the disclosure of requested information cause any damage to any lawful commercial activities of the Respondent PMDC?*
  - (e) What can be consequences for a PIO if the PIO unlawfully delays or denies access to information to be provided to a citizen under the Act?

### **D. Commission’s View on Relevant Issues**

12. This commission holds that the Respondent, PMDC is a public body under the Right of Access to Information Act, 2017, a fact admitted by the Respondent when it submitted before this commission that *“Pakistan Mineral Development Corporation (abbreviate "PMDC") is a public sector corporate body owned (100%) by the Govt of Pakistan and registered with Security & Exchange Commission of Pakistan. Furthermore, the Respondent, PMDC was established in 1974 with authorized capital of 1000 million rupees as per information available on its web site.*
13. This commission holds that a citizen is not required to establish ‘locus standi’ to exercise the constitutional right of access to information. In fact, Section 11 (5) of the Act specifically mentions that an applicant is not required to provide reasons for seeking information from a public body.
14. This commission is of the view that instead of dwelling upon motive behind application, the Respondent, PMDC should have juxtaposed items of the requested information with the provisions of the Act and provided information to the applicant if so, warranted by the provisions of the Act.
15. This commission maintains that disclosure of requested information about the total number of coal mines in each of the three ranges, total number of miners working in all mines of each range, their starting salary (first 2 years) of miners working in each range, whether salary is paid by cheque or cash, copy of the sample appointment letter (if any) from each mine; information about number of hours of work done by miners in each mine of each of the 3 ranges, whether miners are registered with EOBI or not, in case of registration, their registration numbers of registered miners of each mine of each of the three ranges, whether miners are registered with Social Security or not, If yes, information about their Social Security registration numbers of registered miners of each mine of each of the three ranges Is a matter of public importance.
16. This commission holds that the disclosure of requested information is neither likely to cause damage to financial interests of PMDC nor this disclosure is likely to cause any damage to any lawful commercial activities of the Respondent PMDC.
17. The disclosure of requested information will reveal as to what extent constitutional right of human dignity and right to gainful employment of minors employed by the Respondent, PMDC are being protected. Furthermore, the disclosure of the requested information will

also reveal as to how the Respondent, PMDC is protecting labour rights of the minors working in its mines.

18. This commission maintains that the disclosure of the requested information is not only in accordance with both the letter and the spirit of the right of Access to Information Act, 2017, but its disclosure will also help achieve the stated objectives of this Act which are as under:

Making government more accountable to citizens’;  
Greater level of participation of citizens in the affairs of the government’;  
‘Reducing corruption and inefficiency’;  
Promoting sound economic growth’; and  
Promoting good governance and respect for human rights.

19. This commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.

20. 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”.

21. If directions of this commission in this Order are not implemented within the time-framework mentioned in the Order, this commission will invoke Section 20 (f) of the Right of Access to Information Act 2017.

### **E. Order**

22. Appeal is allowed. Managing Director, Pakistan Mineral Development Corporation is directed to provide the requested information in para 2 of this Order to the Appellant at the earliest but not later than 10 working days of the receipt of this Order, with intimation to this office.

23. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act 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 at the earliest but not later than 10 working days of the receipt of this Order.

24. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.
25. Copies of this order be sent to Managing Director, Pakistan Mineral Development Corporation and the Appellant for information and necessary action.

**Fawad Malik**  
Information Commissioner

**Zahid Abdullah**  
Information Commissioner

Announced on: October 27, 2021

This order consists of 7 (seven) pages, each page has been read and signed