

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1139-06-2021

Mohammad Iqbal

Versus

Sui Northern Gas Pipelines Limited

Date of Hearing: 25.08.2021

Fawad Malik: Information Commissioner

APPEAL

1. Mr. Mohammad Iqbal, a resident of Sialkot preferred an application dated 22.5.2021 addressed to the Managing Director, Chief Executive Officer, Sui Northern Gas Pipelines Limited (SNGPL), Lahore.. He requested the following information and record invoking the right under the Right of Access to Information Act, 2017.
 - 1) *How much fund was allocated for the supply of Sui Gas to district Sialkot in the previous 10 years?*
 - 2) *How much fund was allocated for the pipe lines in the Sambrial and Daska Tehsils of District Sialkot in the previous 10 years?*
 - 3) *In which villages of Sambrial and Daska Tehsils of District Sialkot the Sui Gas is available?*
 - 4) *Map of the Sambrial, Pasrur and Daska Tehsils (city only) of District Sialkot showing the availability and non-availability of Sui Gas?*
 - 5) *Record of the streets and mohallahs of Sambrial, Pasrur and Daska Tehsils (city only) of District Sialkot showing the availability and non-availability of Sui Gas?*
 - 6) *Written information as to whether any political quota is available?*
 - 7) *Copy of customer manual.*

- 8) *Applications of which month are being provided connection on merit in district Sialkot, currently?*
 - 9) *How many applications were received for the Sui Gas connection in Sialkot in 2019 and how many are processed?*
 - 10) *How many applications for Sui Gas connection were processed in Sialkot in 2019 and how many were rejected?*
2. The appellant feeling aggrieved of the non-provision of the information filed the appeal before the Pakistan Information Commission.

PROCEEDINGS

3. The appellant is present in person while Mr. Ali Rukh Khattak, Sr. Law Officer along with Mr. Sohail Anwar, C.O(RD) represented the Sui Northern Gas Pipelines Limited during the course of hearing.

The appellant has reiterated the provision of the requested information and record whereas the respondent organization has primarily objected the jurisdiction of this Commission to entertain the appeal claiming that the SNGPL is not a public body under the Act. The reliance is placed on order dated 21.08.2020 passed by the Honourable Islamabad High Court in Writ Petition No. 2265/2020 titled “*SNGPL versus Mohammad Waseem Ellahi & another*”. On merits, it is apprised that the organization would have no hesitation in answering the information detailed at Sr. No. 1 to 3, 5 & 6 of the application, but the map of the gas installations in the city desired by the applicant at Sr. No. 4 can be used in terrorist activity therefore falls in exemption clause whereas the information detailed at the Sr. No. 7 to 10 is readily available on the official website www.sngpl.com.pk of the SNGPL.

Notice of the Commission was replied by the General Manager (Sales) for Managing Director, SNGPL reads as under:

“We wish to inform that Sui Northern Gas Pipelines Limited (SNGPL) was incorporated as a private limited Company in 1963 and converted into public limited Company in January 1964 under the Companies Act 1913, The Companies Act 2017, and is listed on the Pakistan Stock Exchange (PSX). It is engaged in the business of Transmission,

Distribution and Sales of Gas. It has an independent Board of Directors and its all affairs managed and controlled by the Board which exercises statutory powers available to it.

*In the light of above, we wish to clarify that Right of Access to Information Act, 2017 is applicable to all the public bodies of Federal Government. SNGPL is neither a Ministry / Division, an attached department of a Division nor does it qualify as a “public body” in terms 2017 Act *ibid.*”*

COMMISSION’S VIEW

a. Preliminary Objection

4. The primary question before the Commission, before proceeding further on merits of the appeal is to resolve whether the SNGPL is a public body within the meanings of the act and this Commission holds the jurisdiction to entertain the appeal in hand. The version in the written reply of the answering organization is that SNGPL was initially incorporated as a Private Limited Company in 1963 and later converted into Public Limited Company in January 1964 under the Companies Act, 1913. It is engaged in the business of Transmission, Distribution and Sales of Gas therefore the Right of Access to Information Act, 2017 is not applicable on it. Be that as it may, Sui Northern Gas Pipelines Limited (SNGPL) admittedly is the largest integrated gas company undertaking the public function by serving more than 5.3 million consumers in North Central Pakistan through an extensive network in Punjab, Khyber Pakhtunkhwa and Azad Jammu & Kashmir. It is not denied in the reply as well that the organization was initially a Private Limited Company but later in 1964 was converted into a Public Limited Company and since is undertaking the public function of Transmission, Distribution and Sales of Gas. It is also admitted fact that the organization is funded by the government from the public exchequer and that government land is being utilized for the development of infrastructure and pipeline for the transmission, distribution and sale of the gas to the consumers. Last but

not the least the government of Pakistan holds 31% of the shares in the Public Limited Company.

The case law referred by the respondent organization is not relevant as the nature of the information and record sought in the instant appeal is different from the one under challenge before the Honourable Islamabad High Court in writ petition no. 2265-2020. The writ petition is pending for final adjudication till date, however the order of this Commission impugned therein has been suspended vide interim order dated 21.8.2020 till the next date of hearing. Further the order *in personam* is only conclusive between the parties and privies i.e SNGPL and the appellant therein.

The Commission is of the view that in the light of section 2(ix)(d)(f)&(g) of the Right of Access to Information Act, 2017 the SNGPL is folded in the definition of public body to the exclusion of any other law and this Commission holds the jurisdiction to entertain and hear the appeal in hand.

b. On merits

5. The appellant has asked the information and record pertaining to funds allocated for the supply of Sui Gas in district Sialkot in the previous 10 years and its utilization in the tehsils. The representatives of the public body has no cavil in the provision of the requested information except the map mentioned at sr. 4 of the application. Even otherwise the information and record sought by the appellant is the category of public record that ought to have been proactively published including uploading over the internet as mandated in section 5 of the Act.
6. 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 practice would improve the participation of the people in the public affairs aimed at reducing nepotism, corruption and inefficiency in the governance.

7. Article 19A of the Constitution of Islamic Republic of Pakistan provides fundamental whereas the Right of Access to Information Act, 2017 provides statutory right of the access to information and record held by the public bodies, to the citizens. This right cannot be denied or delayed at the whims of the beurocratic hierarchy for technical reasons.

ORDER

8. The appeal is allowed. The Managing Director, Sui Northern Gas Pipelines Limited, Head Office, Lahore is directed to furnish the appellant all the information and record mentioned in his application except the map mentioned at Sr. No. 4 and the one uploaded on the website, forthwith but 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 30.8.2021

Certified that this order consists of five (5) pages, each page has been read and signed

