



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 1433-11/21**

**Kashif Ali Sundrani**

**(Appellant)**

Vs.

**Pakistan State Oil Corporation**

**(Respondent)**

**ORDER**

**Date:** August 03, 2022

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated November 01, 2021 to the Commission, stating that he submitted an information request to the Managing Director, Pakistan State Oil Corporation on October 12, 2021 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:

*“To provide me certified rate-list of existing annual land lease/rental compensation and temporary land acquisition rates per acre per annum of hired lands for pipe lines/plants/field of all the regions/ districts / fields or otherwise under the administrative control of PSO throughout Pakistan.*

*Secondly to provide me certified copy of per acre permanent land acquisition rate list at various PSO fields/locations/ pipe lines etc. throughout Pakistan, lands permanently acquired by PSO since 2016.*

*If annual leases/permanent acquisition is fixed by provincial government's district price fixation committees then copies Said letters/awards are provided.*

*Please tell me what the source of fixation of annual leases.”*

**B. Proceedings**

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on November 25, 2021 and its text is as under:

*“This is with reference to your letter dated November 05, 2021 (received by us on November 19, 2021) on the above subject.*

*At the outset as per our understanding, it is submitted that the requisite information does not come within the ambit and scope of "Public Record", as defined in Section 6 of the Right to Access to Information Act, 2017 ("the Act")*

*It is also pertinent to mention here that the Applicant has not showed his intent, motive and purpose for requiring such record. The necessary and basic information, which is required under Section 5 of the Act is already available on PSO's website. Even otherwise, it is imperative to place it on record that there are more than 3600 retail outlets of PSO, owned by private persons and it is not practically possible to provide lease status of each retail outlet to any person.*

*It is, therefore requested to close the subject appeal, as the same does not fall within the parameter and scope of public record as per the Act”.*

4 Hearing on this appeal was held on December 23, 2021 vide letter dated November 30, 2021.

5 The Respondent submitted another response on December 16, 2021 and its text is as under:

*“This is further to our letter of even number dated November 25, 2021 in response to your letter dated November 05, 2021 (received by us on November 19, 2021) on the above subject.*

*Besides the submissions made in our above referred letter, below is few more additional submissions, which may also be noted.*

*It is also pertinent to mention here that the Applicant has not showed his intent, motive and purpose for requiring such record. The Applicant's purpose for obtaining such information should be specific, as in absence of any explicit motive to get any information, such information is exempted in terms of Section 16(b)(ii) of the Act*

*All the necessary and basic information, which is required under Section 5 of the Act is already available on PSO's website. Even otherwise, it is imperative to place it on record that there are more than 3600 retail outlets of PSO, all owned by private persons, which are taken on rent by PSO and it is not practically possible to provide lease or rental status of all retail outlets to any person. More importantly, in such rental arrangements, third party i.e. landlords/owners of site lands are also involved and any provision of any such information is also exempted under Section 16(g) of the Act.*

*Since there are no oil fields under the ownership or direct administrative control of P50, therefore, question of land acquisition for oil field does not arise, as PSO is not an exploration company, rather it is a marketing company under the provisions of the Marketing of Petroleum Products (Federal Control) Act, 1974”.*

6 The Appellant submitted his rejoinder on January 06, 2022 and its text is as under:

*“I hereby object the written submission/ letters mentioned in subject above as under:-*

*That if PSO has not acquired any lands on temporary/ permanent basis for any its operational purposes throughout Pakistan U/LAA 1984, nor PSO has any plants, pipe lines, fields, the said portions/ Paras of memo of appeal are hereby deemed/ considered to be relinquished means I received said information/ certificate etc. in negation.*

*Further submitted that in my memo of appeal have used words "otherwise", "Location" & "ETC"; it is obvious from company's stance that company have above 3600 petrol pumps/retail out lets in various districts, provinces of Pakistan under administrative control of PSO, hired lands for said outlets are taken on rent from M.D. private persons; i have requested for monthly/yearly etc existing rates of land leases/ rents to be paid to private persons only, never requested for the names of land owners. Information Commission.*

*That it is settled law that government or federal public bodies cannot take decisions on their own whims, wishes subject to law, that is why have requested for telling the source of fixation of monthly/ annual leases or rents of the lands hired for out lets throughout Pakistan”*

*That i am a loyal citizen of Pakistan and can request for any information/document permissible under the law hence allegations of conspiracy against PSO are baseless, this type of pressure on behalf of the public company is liable to be condemned.*

*It is requested to direct federal public body to provide me information / documents of existing annual/ monthly or otherwise for above 3600 petrol pumps/ Retail out lets of all districts thought out Pakistan under administrative control of PSO with source of fixation of said rental rates”.*

### **C. Issues**

7 The instant appeal has brought to the fore the following issues:

- (a) Does the Right of Access to Information Act 2017, henceforth referred to as the Act, 2017 require an applicant to establish locus standi for seeking access to public records?

- (b) Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request? and
- (c) Does the Act, 2017 provide blanket exemption to lease agreements signed by a public body with private parties?

**D Discussion and commission's views on relevant issues:**

8. 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.
9. This commission is of the view that instead of dwelling upon motive behind application, the Respondent, PSO 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.
10. In the instant appeal, the Respondent failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act.
11. This commission holds that the Act, 2017 does not only treat lease agreements public documents but requires federal public bodies to proactively publish these agreements through its Section 5 (1) (e) of the Act, 2017.
12. This commission maintains that the Act, 2017 does not provide blanket exemption to any lease agreement signed by a public body with a private party.
13. This commission holds that merely because certain provision(s) in a lease agreement may contain commercial/private information, it does not mean that a lease agreement can be exempted from disclosure in its entirety.
14. The Act, 2017 envisages a situation wherein a document, which should be otherwise be made public but its parts may contain exempted information. In such an eventuality, part(s) containing information to be exempted can be severed, or, blanked out from the document as mentioned in Section 16 (1) (i) of the Act, 2017. However, in such a scenario, the public body is required to cite specific reason(s) for invoking the particular exemption clause of the Act, 2017.

**E. Order**

15. The Appeal is allowed. The Respondent is directed to provide the Appellant, as well as, proactively publish all lease agreements on its web site in light of observations of this commission in this Order. The Respondent is directed to make available these documents within 20 working days of the receipt of this Order, with intimation to this commission.
16. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: August 03, 2022

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