

Pakistan Information Commission
Government of Pakistan
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In the Pakistan Information Commission, Islamabad

Appeal No 1484-11/21

Shah Muhammad Awan

(Appellant)

Vs.

Oil & Gas Development Company Limited

(Respondent)

ORDER

Date: June 03 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated November 15, 2021 to the Commission, stating that he submitted an information request to the Riast Dogar, Media Director, Oil & Gas Development Limited on October 29, 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:

“In accordance with the right to information granted to citizens under the RTI Act 2013, I would like to request for total Number of Advertisement issued for last 16 Months as per details:

Date	Advertisement Number	Size	Name of Newspapers	Rate	Amount	Name of Agency
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Kindly provide the addresses of Newspapers while we would verify the same amount received by the Newspaper or Not.?

I would like to have a hard copy of the documentation relating to the above.

B Proceedings

3 In response to the notice of this commission to Managing Director sent on November 25, 2021, the Respondent, OGDCL submitted following response on December 03, 2021:

“Reference Appeal No.1484-11/21 issued dated 25-11-2021 on the subject cited above. It is clarified that Oil & Gas Development Company Limited (OGDCL) is a Public Listed Company incorporated under Company's Ordinance 1984 (now Company's Act 2017). It is listed on Pakistan Stock Exchange and London Stock Exchange. OGDCL transacts its business in accordance with its Memorandum and Articles of Associations, the Company's Act, Code of Corporate Governance and Listing Regulations. The Company is run under the superintendence of its Board of Directors and is accountable to its shareholders in the manner and form provided under the law. OGDCL is placing its advertisements considering its business and operational requirements on applicable commercial rates as authorized by its Board of Directors.

It is submitted that we have issued total 240 numbers of release orders for publication of our operational advertisements to major national/local newspapers through our approved advertising agencies during the period i.e. Ist July, 2020 to 25 October, 2021”.

4 The Appellant submitted following rejoinder on December 30, 2021:

“

Reference your kind letter dated 21 Dec 2021 on above noted subject humbly request that enclosed response/information shared by Oil & Gas Development Company totally irrelevant and not satisfactory. I have requested for total Number of Advertisement issued for last 16 Months as per details:

Date	Advertisement Number	Size	Name of Newspapers	Rate	Amount	Name of Agency
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In OGDCL response following information not provided yet.

1. Advertisement Number
2. Size
3. Names of Newspapers
4. Rate
5. Amount
6. Name of Agency
7. Newspaper Addresses

I would like to have a hard copy of the documentation relating to the above”.

5 In response to the rejoinder of the Appellant, the Respondent, OGDCL submitted its following response on February 07, 2022:

“Reference Appeal No. 148-11/21 issued dated 17-01-2022 on the subject cited above. It is clarified that Oil & Gas Development Company Limited (OGDCL) is a Public Listed Company incorporated under Company's Ordinance 1984 (now Company's Act 2017). It is listed on Pakistan Stock Exchange and London Stock Exchange OGDCL transacts its business in accordance with its Memorandum and Articles of Associations, the Company's Act, Code of Corporate Governance and Listing Regulations. The Company is run under the superintendence of its Board of Directors and is accountable to its shareholders in the manner and form provided under the law. OGDCL is placing its advertisements considering its business and operational requirements on applicable commercial rates as authorized by its Board of Directors.

Earlier we informed through our Letter No. MEC04-20/352 dated 03-12-2021 that we have issued approximately 240 release orders (ROS); however it is appraised that total numbers of release orders are 252 for publication of our operational & promotional advertisements to major national/local & international newspapers through our approved advertising agencies during the period ie. 1" July, 2020 to 25 October, 2021. Details of ROS & amount paid are as under:

Name of Advertising Agency	Total Release Order Issued	Total Amount Rs. In Million
M/s Midas Communications Pvt Ltd, Islamabad	95	45.517
M/s Manhattan Communications Pvt Ltd, Islamabad	88	49.249
M/s TNI Communications Pvt Ltd, Islamabad	69	69.00
	252	163.766 (Approx)

“

6 The Appellant submitted his following response on March 02, 2022:

“

Reference kind letter dated 14 Feb 2022 on above noted subject humbly request that enclosed response/information shared by Oil & Gas Development Company totally irrelevant and not I have requested for total Number of Advertisement issued for last 16 Months as per details:

Date	Advertisement Number	Size	Name of Newspapers	Rate	Amount	Name of Agency
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In OGDCL response following information not provided yet.

1. Advertisement Number

2. Size

3. Names of Newspapers

4. Rate

5. Amount

6. Name of Agency

7. Newspaper Addresses

I would like to have a hard copy of the documentation relating to the above”

7 Hearing on this Appeal was held on May 19, 2022 vide letter dated March 15, 2022. The Respondent submitted the following response:

“1. That at the very outset, it is submitted that the Respondent/Oil and Gas Development Company Limited (OGDCL) is the national oil and gas company of Pakistan and the flag bearer of Pakistan's Exploration and Production Sector. The Company is involved in Exploration, Drilling. Oil and Gas activities in Pakistan.

2. That OGDCL has already provided the requested information to the appellant vide letter bearing No. MEC04-20/80 dated 07-02-2022. Wherein, we have provided the list/name of the advertising agencies, total number of release order issued, and total amount paid to each of them.

3. That OGDCL issues release orders to the advertising agency and the concerned advertising agency decides the newspapers in which the advertisement should be published as per the criteria in consultation with OGDCL. Thus, the said information is not held with OGDCL. except for the transaction records with regards to the bills/invoice of the concerned advertising agency”.

C Issues:

8 The instant Appeal has brought to the fore following issues for the consideration of this commission:

- (a) Is the Respondent, OGDCL custodian of the requested information under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
- (b) Is the Respondent, OGDCL maintaining its records pertaining to expenditures incurred on advertisement?

9 The Appellant is desirous of access to information pertaining to the advertisements expenditures of the Respondent, OGDCL for last 16 months since the filing of his request for information to determine whether or not the amounts have been received by the newspapers. In this connection, while the Respondent provided some of the information, advertisement number, size, names of newspapers, rate, amount, name of agency and addresses of newspapers have not been provided on the ground that this information is not available with the Respondent, OGDCL.

10 The Respondent, OGDCL has maintained that it “issues release orders to the advertising agency and the concerned advertising agency decides the newspapers in which the advertisement should be published as per the criteria in consultation with OGDCL. Thus, the said information is not held with OGDCL. except for the transaction records with regards to the bills/invoice of the concerned advertising agency”.

11 This Commission maintains that the Respondent, OGDCL is the custodian of information/records pertaining to expenditures on advertisements including information/records such as advertisement number, size and rate of each advertisement, names of newspapers in which those advertisements were published along with the dates of publication, names of agencies and addresses of newspapers.

12 This commission also believes that the Respondent, OGDCL should collect this information from the relevant advertisement agencies as it is the Respondent, OGDCL which is custodian of this information.

13 This commission holds that the Respondent, OGDCL has failed to collect and maintain records pertaining to advertisement expenditures which it should have maintained as means of verification to ensure these advertisements were

published according to specified size, rates, dates and newspapers as these expenditures involved public funds.

D Order

14 The Appeal is allowed. Managing Director, OGDCL is directed to share with the Appellant remaining information with the Appellant at the earliest but not later than 10 working days of the receipt of this Order, with intimation to this office.

15 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:

June 06, 2022

This order consists of 8 (eight) pages, each page has been read and signed.

