

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1675-01-2022

Kashif Ali

Versus

Oil Marketing Association of Pakistan

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Kashif Ali filed his appeal dated 14th January, 2022 before the Pakistan Commission on access to information, Islamabad. He alleged that the request for information has not been responded by the Oil Marketing Association of Pakistan within the frame of time stipulated under the Right of Access to Information Act, 2017.
2. Through an application dated 31st December, 2021 he has desired the information from the Oil Marketing Association of Pakistan. The detailed particulars of the requested information are:
 1. *“Which public/private oil and gas companies come in the Jurisdiction of this OMAP?”*
 2. *what is function, business, work of this OMAP*
 3. *what is control over of this OMAP over oil and gas*
 4. *under what law this OMAP is constituted Companies*
 5. *to provide me recent/latest annual land lease rental prices per acre per annum to be paid to land owners against their hired lands to be determined/fixed through negotiating process with land owners of all the public/private oil and gas companies working in Pakistan under your jurisdiction requested information in all fields/districts etc under said company's administrative control throughout Pakistan. Oration*
 6. *What are the other sources of fixation of annual land lease/rental compensation per acre per annum to be adopted by oil and gas companies?*
 7. *To provide temporary/permanent land acquisition rates per acre to be paid to land owners through concerned land acquisition officers relating to all and gas companies in all the fields/districts under administrative control of all the companies from 2016 to date.*
 8. *What is status of employees of the companies through third party contractors including chowkidars/ security guards whether they are being paid from 5% from company's yearly profit or not (information of all oil and gas companies' 3rd party employees working in Pakistan).*
 9. *Mention govt shares in all the public/private oil and gas companies working in Pakistan & also other main shareholders.*
 10. *Whether all the employees of companies under Your jurisdiction are being paid according to minimum Wages announced by respective government for year*
 11. *To provide existing rates of following crops/trees etc. per acre destroys/damages due to land hiring to be paid to affected land owners by all the companies; pls provide information separately/individual companies.*

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<i>Kind of crops/ Trees</i>	<i>Rates per acre</i>
<i>Sugar Cane</i>	

<i>cotton</i>	
<i>wheat</i>	
<i>Rice</i>	
<i>Vegetable</i>	
<i>Banana</i>	
<i>Grass</i>	
<i>Mango tree (Mature)</i>	
<i>Beri Tree (mature)</i>	
<i>Anrood Tree (Mature)</i>	
<i>Date tree (mature)</i>	
<i>Neem Tree(mature)</i>	
<i>Babool Tree (Mature)</i>	
<i>Tali tree (mature)</i>	

B. PROCEEDINGS

3. The Commission vide notice dated 01.02.2022 directed the respondent to provide reasons in 7 working days of the receipt of the notice as to why the requested information has been provided to the appellant within ten working days as required under section 14 of Right of Access to Information Act 2017.
4. The response of Public body is as under:
 - i. *“Kindly refer your communication Ret, Appeal 1675/01/2022 dated February 01, 2022 on the above subject it is informed as under that Section 112) of the subject Act states that "it shall apply to all public bodies of the Federal Government relates to Public bodies under the Federal Government.*
 - ii. *Oil Marketing Association of Pakistan is a trade body licensed under the Trade Organizations Act 2013 to represent business in the Oil Marketing Sector and it does not fall under the definition of "Public Bodies as prescribed in Section 2014) of the Right of Access to information Act 2017*
 - iii. *The OMAP does not hold any public function nor access to public funds. Our members are private businesses and we have no access to their business*
 - iv. *The appellant seems concerned with Land Acquisition, fixation of per acre lease rent, copies of lease agreements etc which Association does not involve or enjoy authority to fox annual lease/rent compensation per acre per annum for oil and gas companies.”*
5. The appellant feeling not satisfied has filed rejoinder to the appeal.

C. COMMISSION’S VIEW

6. In the light of the reply the Commission is of the view that the Oil Marketing Association of Pakistan is a trade body licensed under the Trade Organizations Act, 2013 to represent business in the Oil Marketing Sector and it does not fall under the definition of Public Body as prescribed in Right of Access to information Act, 2017.

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7. The appellant has failed to explain in the rejoinder how the Oil Marketing Association of Pakistan is a public body under the Act. Mere dissatisfaction

without any plausible and material reason is not enough to proceed further in the appeal.

D. ORDER

8. The appeal is closed.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 01.4.2022

Certified that this order consists of 03 pages, each page has been read and signed.