

Pakistan Information Commission

Government of Pakistan

Order

Date: February 16, 2023

Appeal No. 2309-10/22

Muhammad Nawaz

Vs

Ministry of Energy (Petroleum Division)

1. The Appellant through his information request dated September 28, 2022 has requested the following information from the respondent public body,
 - i. *“Copy of inspection reports as documentary evidence which proved that bogus inspection has been submitted in respect of M/s Engro Thar Coal and M/s Al Noor Terminal in line with para (ii) statements of allegation No. F1(1)/2020-MISC dated 08-12-2020.*
 - ii. *The record list of 4000 thousand licenses of tank lorries, including M/s Hascol, 600 of M/s Al-Haj granted by Mr. Raj Kumar in line with para (iii) of statements of allegations No. F1(1)/2020-MISC dated 08-12-2020.*
 - iii. *The record of 12 approval letters of illegally approved Oil Terminal contrary to approved plan by Mr. Raj Kumar as evidence in-line with para (iv) of statements of allegations No. F1(1)/2020-MISC dated 08-12-2020.*
 - iv. *The record of illegal licenses being granted by Mr. Raj Kumar in generalized categories i.e Dangerous Petroleum without specifying exact type of product being stored issue by Mr. Raj Kumar as documentary evidence in line with para (v) statements of allegations No. F1(1)/2020-MISC dated 08-12-2020.*
 - v. *The record/list of illegally granted renewed licenses of K for mad L form without approval of Deputy Director / without having lawful Authority by Mr. Raj Kumar in line with para (vii) of statements of allegations NO. F1(1)/2020-MISC dated 08-12-2020.*
 - vi. *The record of illegal work done under political and internal pressure by Mr. Raj Kumar as in line with para (viii) of statements of allegation of allegations No. F1(1)/2020-MISC dated 08-12-2020.”*
2. Notices were issued to the respondent on October 31, 2022 and January 19, 2023.
3. The appeal was fixed for hearing on January 26, 2023 and February 08, 2023. Mr. Tausif Inayat, Assistant Director, Department of Explosions, attended the hearing held on February 08, 2023.

4. The representative of the respondent public body submitted a copy of the letter dated 22-11-22, in which Director Ministry of Energy (Power Division) sought advice from the commission regarding provision of record about removal of service of Mr. Raj Kumar, Assistant Director, Department of Explosives. It is submitted that subject case is sub-judice in Federal Investigation Agency (anti-corruption). All relevant documents have been submitted by the respondent in the above said forum. It is noted that order of removal from service of Mr. Raj Kumar, Ex-Assistant Director, Department of Explosives is a public document and does not enjoy any privilege under the Right of Access to Information Act, 2017.
5. As for as documents / record requested by the appellant in his appeal in the Para-6 and Para 9 are concerned said documents also do not enjoy any exemption under the Act.
6. The representative of the respondent appeared before the commission and submitted that if an order is passed regarding the provision of the information public body would have no objection in providing the information.
7. However, it is submitted that volume of the record is huge and it is not possible for respondent to submit that record before the commission; the said contention is not tenable as mere volume of record is not a valid ground to absolve the respondent from providing it to the appellant when it is public record. In view of above the appeal is allowed, the respondent is directed to provide the requested all information to the appellant, within 10 days of the receipt of this order, subject to deposit of fee by the appellant as per law. In case of non-compliance of order, the appellant may approach this commission.
8. The appeal is disposed of. Copy of the order be sent to appellant and respondent.

Shoaib Ahmed Siddiqui

Chief Information Commissioner

Ijaz Hassan Awan

Information Commissioner