

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

Appeal No E311-07/22

Luqman

(Appellant)

Vs.

Peshawar Electric Supply Company

(Respondent)

ORDER

Date: October 13, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 29, 2022, to the Commission, stating that he submitted an information request to the Federal Government Office, Peshawar Electric Supply Company on June 25, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
1. The information sought by the Appellant is as follows:
 1. *“How many units and how much amount have been credit/adjusted to the consumer bearing Reference No. 02261650179203R (Old 02261650008780R) during the period from November 2021 to May 2022. It is once again repeated for the sake clearness that information is required regarding both i.e. credit units and amount. That statement must be signed and stamped by your good self.*

2. *Clear attested copies of documents/ correspondence regarding credit mentioned above.*

The above information are not only public information but the applicant itself is the consumer.

The scanned copy of the requisite information may smoothly and easily be provided to the applicant on the portal i.e., Pakistan Citizen Portal.

For your kind information preventing or delaying the disclosure of information to an applicant is punishable offense under clause (f) of sub-section (1) of section 20 of the Right of Access to Information Act, 2017.”

B. Proceedings

3 The record on the file suggests that the Respondent submitted its response on the intervention of this commission on September 05, 2022 and its text is as under:

1. “Enclosed please find herewith letter under reference, wherein it has been asked as why the requested information to the consumer bearing Reference No. 02-26165-0179203 was not provided.
2. It is, therefore, requested to submit the requisite information directly to the applicant and detailed report of the same should also be submitted to this office and Registrar, Pakistan Information Commission, Govt: of Pakistan
3. Matter be treated as most important.”

5 Hearing on the instant Appeal was fixed for October 06, 2022 *.vide letter dated September 26, 2022.*

C. Issues

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

- (a) Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request?

- (b) Has the Respondent provided all the information to the Appellant permissible under the Right of Access to Information Act, 2017, henceforth referred to as the “2017 Act”?

D Discussion and commission’s views on relevant issues:

7 In the instant Appeal, the record on the file shows that the Respondent demonstrated utter disregard to the provisions of the Act, 2017.

8 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.

9 The Respondent also failed in following the procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act.

10 The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.

11 The Respondent only responded to the notice of the commission and failed to attend the hearing.

12 This commission only received internal communication stating “to submit the requisite information directly to the applicant and detailed report of the same should also be submitted to this office and Registrar, Pakistan Information Commission, Govt: of Pakistan”. This communication also stated that “Matter be treated as most important”.

13 It is unfortunate that the requested information treated ‘public record’ by the Respondent itself has not been shared with the Appellant and neither this commission has been informed to this effect, as the internal communication shared with this commission states.

14 This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies, including the Respondent, ECP. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.

15 This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be 'accessible' for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of 'accessible' in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

"The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities". E. Order

16 The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.

17 The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 10 working days of the receipt of this Order.

18 The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.

19 Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

October 13, 2022

This order consists of 5 (five) pages, each page has been read and signed.