



Appeal No 137-10/19

Nadeem Umer (Appellant)

Vs.

National Energy and Conservation Authority (Respondent)

Date: December 26, 2019

ORDER

Zahid Abdullah: Information commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on October 25, 2019 in which he stated that he had requested information from National Energy and Conservation Authority under the Right of Access to Information Act 2017.

2. The information sought by the Appellant, through application dated 14/10/19, is as under:

“Provide certified copy of National Energy Efficiency and Conservation Authority Annual Financial Audit Reports for the following years.

- i. Financial Year 2016-17
- ii. Financial Year 2017-18
- iii. Financial Year 2018-19”.

B. Proceedings

3. Through a letter dated October 25, 2019 the Appellant said,

“instead of providing the requested information the public body in his letter No. F.1-[7]/2019/Admin/NEECA dated October 23, 2019 directed me to approach the Federal Audit and Director General Audit (Power) for the information”.

C. Discussion and Commission’s View on Relevant Issues

4. The commission notes with concern that even after 2 years of its enactment, federal public bodies have not taken steps to implement the Right of Access to Information Act 2017. Audit reports that have been finalised should be on the web site of the public body as required under Section 5 (i) of the right of Access to Information Act 2017.

5. Either it is lack of understanding on the part of the Respondent about the provisions of the Right of Access to Information Act 2017 or deliberate act of obfuscation, for, this Act extends to the whole of Pakistan. Any of the citizen of Pakistan living anywhere in the country can not only seek information from any federal public body, but , more importantly, the Act makes it binding on federal public bodies to proactively publish categories of information enlisted in Section 5 of the Act on their web sites so that citizens can have access to information without resorting to filing requests to public bodies.

6. The commission notes with grave concern that the Respondent failed to interpret the Right of Access to Information 2017 as “to advance its purposes as set out in the preamble”, required under Section 3 (2) and “promote the right of access to information”, “, Section 3 (2) (a) and facilitate and encourage promptly the disclosure of the information”, Section 3 (2) (b).

D. Order

7. The appeal is allowed. The Respondent is directed to provide the audit reports of the public body that have been finalised to the Appellant at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, 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, including audit reports that have already been finalised to this date and submit the compliance report to the commission by 26/01/2020.

8. 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:
December 26, 2019

This order consists of 2 (two) pages; each page has been read and signed.