

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 422-7-2020

Dewan Adnan Amlak
Vs
Lahore Electric Supply Company

Date: 28.9.2020

Fawad Malik: Information Commissioner

A. APPEAL:

1. The brief facts of the appeal are that Mr. Dewan Adnan Amlak, Advocate has filed the appeal against the Sub Divisional Officer (SDO) Wapda, Sub Division Haveli Lakha Urban of District Okara for not providing the requested information under the Right of Access to Information Act 2017. He has alleged that despite contacting office of the SDO, his application is not responded with in the time frame provided in the Act.
2. The detail of the information sought by the appellant through his application dated 18.5.2020 is reproduced as under;
 1. *How many transformers within Haveli Lakha City (Urban) Subdivision are damaged as of today, 18.5.2020, also mentioning the area (sight) name of operation of the said damaged transformers.*
 2. *What is the current status/ details of repair of the said damaged Transformers, also mentioning date of removal of transformers from operation in the locality and date of sending the same for the repair work.*
 3. *Total no. of trolly mounted transformers also mention their power (load capacity), currently available as of today within the subdivision awaiting to be operational in case of any emergency.*
 4. *Total no. of trolly mounted transformers currently operational with the subdivision as temporary replacement of damaged transformers along with their power (load capacity) mentioned and with their operation area (sight) name and date of being functional.*
 5. *Reasons for delay in repair of damaged transformers if there is any.*

B. PROCEEDINGS:

3. The Commission, in pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the pandemic Covid 19 and to ensure the public safety condoned the personal appearance at the time of hearing before the Commission, therefore vide notice dated 17.7.2020 directed the Chief Executive Officer, Lahore Electric Supply Company, to provide the Commission, reply and arguments in writing within fifteen days.
4. reply and written arguments as directed were not submitted in the office, therefore the appeal was fixed for hearing before the Commission on 23.9.2020 and both the appellant as well as the public body were informed accordingly vide notices dated 13.8.2020.
5. No one appeared before the Commission at the time of hearing to represent the public body.

C. COMMISSION'S VIEW:

6. The appellant in his request has desired the information regarding the transformers in the area of Haveli Lakha (Urban) Subdivision, from the office of SDO Wapda LESCO, district Okara. The detail of damaged, repaired, trolley mounted, operational transformers and their capacity are sort of information that ought to have been shared proactively with the residents of the region. The Act mandates all category of record mentioned in section 5 to be computerized and published including uploading over the internet by the principal officer of each public body within six months of the its commencement.
7. The citizens pay the monthly bills including the taxes therefore they have the privileged right to know the proper spending of their tax money. Article 19-A of the Constitution and the RTI Act 2017 has empowered the citizens to have access to the record held by the public body. The appellant has raised the vital issue of public importance for the benefit of residents of the said area. Disclosure of the requested record will improve the participation of the people in public affairs which will be helpful in reducing corruption and inefficiency in the department and promote the good governance. The appellant in his application has alleged that under the services rules and directions from NEPRA, the respondent public body is bound to replace the damaged transformers with trolley mounted transformers at the earliest but the reality is contrary to it.

8. The SDO of the respondent public body has not acknowledged the application filed by the appellant nor did he process the same as required under the Act. The direction to the Chief Executive Officer by the Commission remained unheeded. Neither was the reply submitted nor was the public body represented by any official at the time of hearing before the Commission. The conduct of both the officers amounts to wilful and deliberate obstruction in the activity of the Commission and delaying the delivery of the requested information warranting imposition of fine under section 20(f) of the Act. The Commission reserves the power to impose the fine but taking lenient view is directing the responsible to stay careful in future.
9. The Commission has noticed that respondent so far has not notified the designated officer. The Act requires each public body to notify designated officer within one month of the commencement of the Act.

D. ORDER:

10. The appeal is allowed. The Chief Executive Officer, LESCO is directed to provide the appellant all the requested information forthwith and in any case not later than seven days of the receipt of this order.
The Chief Executive Officer, LESCO is also directed to make arrangement for the proactive disclosure of all the category of record mentioned in section 5 of the Act and for the notifying the designated officer at the earliest but not later than 31.10.2020.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 29.9.2020

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

The Chief Executive Officer, LESCO is directed to provide the appellant all the requested information i.e. detail of damaged, repaired, trolley mounted, operational transformers and their capacity etc.