

In the Pakistan Information Commission, Islamabad

Appeal No. 149-11/19

Nadeem Umer

(Appellant)

V/S

Private Power & Infrastructure Board

(Respondents)

ORDER

Date: 27.01.2020

Fawad Malik. Information commissioner

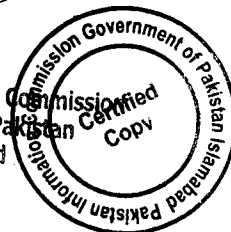
A. APPEAL

1. The brief facts of the instant appeal are that Nadeem Umer (appellant) filed the appeal before the Commission complaining therein that he had requested the Private Power & Infrastructure Board, Islamabad (Respondent) under the Right of Access to Information Act 2017 through his application dated 14.10.2019 to provide him information but the public body has not provided him the requested information as required under the Act.

The requested information is as under:-

- *Provide certified copy of Private Power & Infrastructure Board Annual Financial Audit Reports for the following Years:*
 - i. *Financial Year 2016-17*
 - ii. *Financial Year 2017-18*
 - iii. *Financial Year 2018-19*

Pakistan Information Commission
Government of Pakistan
Islamabad



B. PROCEEDINGS

2. The respondent was served upon a notice dated 11.11.2019 directing to provide reasons in writing within seven working days as to why the requested information has not been provided to the appellant.
3. The notice was not responded within time therefore the appeal was fixed for regular hearing on 02.01.2020 before the Commission and both the respondent as well as the appellant were informed accordingly vide hearing notice dated 03.12.2019.
4. Meanwhile before the hearing date the public body vide letter dated 09.12.2019 responded to the notice of the Commission and provided certain information which were shared with the appellant but he is not satisfied and stated that instead of providing the Audit Report, the public body has sent him Financial Statements hence reiterated for the provision of the requested information.
5. At the time of hearing on 02.01.2020 Mr. Sami Rafi Siddiqui Senior Executive Director HR&IT along with Yousaf Naeem Deputy Manager legal submitted even dated letter which reads as follows:-

"We wish to convey that PPIB Annual Financial audit Reports for the years 2016-17 and 2017-18 are available as public information, that can be accessed through the following URL:

[http://www.ppib.gov.pk/N-archive .htm](http://www.ppib.gov.pk/N-archive.htm)

2. *Furthermore, Annual financial Audit Report for year 2018-19 has not been yet signed by the auditors and will be available on the website once signed. Moreover, if you require hard copies of the same, please contact this office at the below given address and collect the same by paying fee as prescribed under PIC Regulations."*
6. The representatives, of the public body at the time of hearing sought further time to provide Audit report pertaining to Financial Year 2016-17 and 2017-18 while the Audit report for year 2018-19 has not been finalised and will be available on website once finalised. The appeal was adjourned to 22.01.2020 but no one represented the public body however Nadeem Umer appellant was present in person.

Pakistan Information Commission
Government of Pakistan
Islamabad



C. DISCUSSION AND COMMISSION'S VIEW

7. In an identical appeal No.149-11/19 titled (Shehzad Ahmed Khan vs Metropolitan Corporation Islamabad) vide order dated 01.01.2020, the Commission has dealt with common questions which are in issue in the appeal at hand, therefore the discussion and Commission's view in the appeal No.144-11/19 may be read and considered as integral part of this judgment. The text of the same is as under:-

" The questions for the consideration of the commission are as under:

- (a) *Whether audit reports are public records?*
- (b) *At what stage audit reports are finalized?*
- (c) *Which public body is in the possession of an audit report? And*
- (d) *Whether the public body followed the process laid down in the Right of Access to Information Act 2017 for responding to information requests?*

An audit report is a public document under Section 5(i) of the Right of Access to Information Act 2017 which is as under:

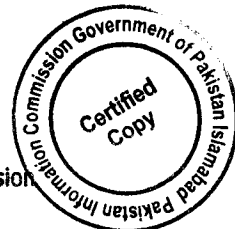
"Reports including performance report, audit reports, evaluation reports, enquiry or investigation report and other reports that have been finalized"

The audit report is finalised by the Auditor General of Pakistan, (AGP) and audit of only a certain number of public bodies is conducted each year. Each audit report contains audit paras of a public body whose audit is conducted in a given year.

In parliamentary democracy, business of Parliament is conducted through standing committees through open proceedings. The commission is of the view that an audit report becomes a public document once it is laid before Public Accounts Committee, (PAC) after the approval of the President of the Islamic Republic of Pakistan.

The elected representatives in their collective wisdom have included Section 5 in the Act so that maximum information is proactively provided to the citizens of Pakistan by ensuring its proactive disclosure through web sites of public bodies. Since Section 5 of the Act includes audit reports, the Auditor General of Pakistan should immediately place on its web site each audit report once it is laid in the Public Accounts Committee. Similarly, each federal public body should proactively publish through its web site audit paras if included in the audit report of a given year.

[Signature]
Pakistan Information Commission
Government of Pakistan
Islamabad



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The benefits of proactive disclosure of audit reports can hardly be exaggerated. It will not only be cost-effective but will also save time of the commission and that of federal public bodies in responding to appeals and information requests of citizens pertaining to audit reports.

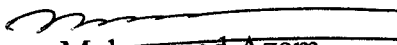
The commission is of the view that the Respondent failed to implement Section 11 (1) of the Right of Access to Information Act 2017 as requested information has not been provided to the appellant. The commission takes strong exception to the fact that the Respondent failed to respond to the notices of the commission and the information requests of a citizen. The Respondent failed to respond to the information request in accordance with the provisions of sections 12 and 13 of the Act."

D. Order

8. The appeal is allowed. The Respondent is directed to provide certified copies of audit paras if included in the audit reports laid by the Auditor General of Pakistan before Public Accounts Committee for the Financial Years 2016-17, 2017-18 and 2018-19 within 10 working days of the receipt of this Order.

The Respondent is also 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 by 27/02/2020.

Copies of this order be sent to the Respondent, the Appellant and the Auditor General of Pakistan for information and necessary action.



Mohammad Azam
Chief Information Commissioner


Fawad Malik
Information Commissioner


Zahid Abdullah
Information Commissioner

Announced on:
January 27, 2020

This order consists of 4 (four) pages; each page has been read and signed.


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