

**Pakistan Information Commission
Government of Pakistan**

1st Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Website: www.rti.gov.pk

Phone: 051-9261014

Email: appeals@rti.gov.pk

  @PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 243-01/20

Dewan Adnan Amlak

(Appellant)

Vs.

Sui Northern Gas Pipelines Limited, (SNGPL)

(Respondent)

ORDER

Date: December 14, 2020

Zahid Abdullah: Information commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on 10-01-2020 in which he stated that he had requested information from Sui Northern Gas Pipelines Limited under the Right of Access to Information Act 2017.
2. The information sought by the Appellant, through application dated October 16, 2019, is as under:

“SNGPL started work on a development scheme in Haveli Lakha to lay down new gas pipelines for the first time in Haveli Lakha, district Okara. The same was formally inaugurated by the then Prime Minister of Pakistan Mir Zafar Ullah Khan in Haveli Lakha, district Okara between 2002-2004. The scheme was executed completely/fully later. I need following information/documents about the said scheme under the above mentioned law. Tendering Information including advertisement, comparative statements and work order.

2. Approved proposed plan of the scheme (map and drawing)

3. Approved detailed cost estimate.

4. Completion plan.

5. Data of work started and completion date”.

B. Proceedings

3. Through a notice dated January 14, 2020 sent to the Regional Manager, Sui Northern Gas Pipelines Limited, Sahiwal Region, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent did not respond to the notice and the hearing date was fixed for 13-02-2020 through the hearing notice sent on 27-01-2020 and both parties were informed accordingly.
5. The Respondent through a letter vide No. SLD/18/296 dated 27-01-2020 stated that *“the requested record is 18 years old and pertains to our different Departments. We have requested our Head Office regarding legal advice and provision of record. As soon as we will receive the said information the same shall be communicated to your good office / the applicant.”*
6. The information was shared with the appellant on 06-03-2020
7. The respondent through another letter vide No. SLD/Dev-765 dated 10-03-2020 stated that *“.....during the year 2002 to 2004, tendering system was not applicable in SNGPL and work orders were allocated to the listed / approved contractors only.”*
8. The appellant on 20-03-2020 submitted this response to the information shared by the Respondent and stated that

“The Right of Access To Information Act 2017” has not provided any time limit to request information from a public body, nor does it limit any application for the time lapse. The above-mentioned law has provided a detailed description of some exemptions but none of those exemptions is about time limit. In India, an applicant is rightful to get information of the last 20 years without any delay and can get information older than 20 years in accordance with certain established provisions of RTI law of India. In Pakistan, it is presumed that a record of the past 60 years can be requested because the word "Information" and "Record" as defined by Section 2(5) (10) of "The Right Of Access To Information Act 2017" has not been limited by time and according to Section 4 and 5 of the said Act, it is the duty of public bodies to make the record available.

2. *The information/record requested by the applicant is a plan/map and some documents relating to the expenditure of a Sui Gas scheme of millions of rupees, executed in Haveli Lakha, District Okara. This is a very important document/record to be maintained by the public body as it is the key factor to decide and plan all the future extension schemes of Sui Gas in that locality. In this way, all the future development schemes of the area depend on the past plan. Regional Manager SNGPL Sahiwal is trying to defer and to delay the matter as the only*

hesitation that the public body is feeling to provide the record is that it will expose/reveal their mega corruption scam of million of rupees.

3. *The response/letter sent by the office of Regional Manager SNGPL Sahiwal Region is misleading, According to the letter, neither their office has the requested record available nor they have nominated any other office for the further perusal by the applicant. It is important to mention here that, from the date of my first RTI application wrote to the RM SNGPL Sahiwal which is 28 of December 2019, his office has never bothered replying to my application till date. I, the applicant will have no objection rather I request the Honourable Pakistan Information Commission to grant time to the Regional Manager SNGPL Sahiwal Region to make them bound to provide the requested record to the applicant by that time specified by the Honourable Pakistan Information Commission.”*
9. The Respondent through a notice dated July 27, 2020 sent to Ahmed Saeed Asghar, Regional Manager Sahiwal, SNGPL was directed to provide the information requested in Para 2, 3, 4 and 5 of the appellant’s information request.

C. Discussion and Commission’s View on Relevant Issues

10. This commission would like to address the following issues through this Order:
 - (A) Does the Respondent public body come within the ambit of the Right of Access to Information Act 2017, henceforth referred to as Act?
 - (B) Has the Respondent public body taken steps to implement the Act?
11. The commission has already established through its Order on Appeal No. 171-11/19 in the case of Muhammad Waseem Elahi VS Suni Northern Gas Private Limited that the Respondent SNGPL is a public body as it is “*engaged in the business of Transmission, Distribution and Sale of gas*”. The Respondent receives public funds from national exchequer for the development of infrastructure for Transmission, Distribution and Sale of gas.
12. The Respondent is also a public body as according to its own web site, the President of Pakistan has more than 31 percent shares in SNGPL. As such, the Respondent is a public body under Section 2 (d) of the Right of Access to Information Act 2017 which is as under:

“Any incorporated or unincorporated body of the Federal Government functioning under the control or authority of another public body or wherein once or more public bodies own or have controlling interest or provide substantial funding;”

The Respondent is also a public body in accordance with the Section 2 (5) of the Right of Access to Information Act 2017 which is as under:

“Any other organization which undertakes a public function, to extent of that function;”.

13. The fact that the Respondent has caused delay in providing to the requested information to the Appellant highlights following two issues:
 - (A) That the Respondent has violated timeline mentioned in the Act to provide the requested information to the Appellant; and
 - (B) That had the Respondent implemented provisions of this Act, including, but not limited to Section 4 and 5 of the Act, the unwarranted delay in providing the requested information to the Applicant could have been avoided.
14. This commission has held through its different detailed judgements that federal public bodies are not giving primacy to proactive disclosure of information through their web sites and that proactive disclosure of information is not given serious consideration it deserves.
15. This commission has also established through its different Orders that not only information is to be made available to citizens as required under Section 5 of the Act but it has to be made available on the web sites in a manner that it is accessible for all citizens, including those with different disabilities by incorporating web accessibility standards in the design and development of web site.

D. Order

17. The appeal is allowed. The Respondent is directed to provide following requested information/documents to the Appellant about development scheme to lay down gas pipelines in Haveli Lakha, district Okara, inaugurated by the then Prime Minister of Pakistan Mir Zafar Ullah Khan between 2002-2004:
 1. Tendering Information including advertisement, comparative statements and work order.
 2. Approved proposed plan of the scheme (map and drawing)
 3. Approved detailed cost estimate.
 4. Completion plan.
 5. Data of work started and completion date.
18. The information mentioned in para 17 be provided to the Appellant at the earliest, but in any case, not later than 10 working days of the receipt of this order.
19. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the contact details of the PIO on its web sites as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
20. 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 by 07/01/2021.

21. 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 by 07/01/2021.
22. Copies of this order be sent to the Managing Director, Sui Northern Gas Pipelines Limited and the Appellant for information and necessary action.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
December 14, 2020

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