

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 895-02/21

M. Farhad

(Appellant)

Vs.

Lahore Electric Supply Company
Through Its Chief Executive Officer

(Respondent)

Order

Date: November 16, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date February 10, 2021, to the Commission, stating that he Submitted an information request to the Chief Executive Officer, Lahore Electric Supply Company dated January 06, 2021 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The information sought by the Appellant is as under:
 - 1) "S & I Report for S -1091779 For consumer 041153201702030 which was prepared by S & I staff on 08-10-2020.
 - 2) Lab Report for S -1091779 meter by M & T section and hard copy of Both Reports may kindly be provided.
 - 3) PEC Registration No of XEN Kotlakhpat Aqeel Zafar Suleh and SDO of sobiabad from 08-10-2020 To 18-10-2020 Name and designations of SDO's and PEC reg No.
 - 4) If Meter shows Error without tempering, is it liable to be charged D-Bill on this basis.
 - 5) Can Meter showing ERROR be a healthy Meter without opening the body After checking or onwards.
 - 6) Are S & I, Lab Reports of Meter, Assessment Reports confidential which cannot be provided to consumers.
 - 7) If your staff does not follow consumer service manual is it liable to start disciplinary proceedings against preparing staff.
 - 8) Can consumer Aggrieved be in-formed of disciplinary proceedings against staff Reported Matter. Of which consumer got hurt.
 - 9) Can an official investigate/Reports about the matter in which he was alleged himself.
 - 10) If any consumer doesn't complaint about D-Bill any other person can do on his behalf.

- 11) *Can a Review committee's Meeting be held in supervision of preparing staff as in view committee Most senior officer present in the room was XEN K&L himself.*
- 12) *Can D-Bill register be viewed/Examined by consumer to evaluate good performance of staff just for information as FIR register in police station can be viewed by any citizen."*

B. Proceedings

3. Through a notice dated February 17, 2021 sent to the Chief Executive Officer, Lahore Electric Supply Company the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through another notice dated April 26, 2021, the Respondent was again directed to submit written arguments before May 13, 2021, otherwise the appeal will be decided Ex Parte in the light of the record available on the file.
5. The commission sent another notice to the Respondent on May 21, 2021 and stated "the above mentioned appeal is pending decision before this Commission. In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted before June 04, 2021, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017."

8. The appeal was fixed for hearing on September 28, 2021 and both parties were informed through notices sent on August 30, 2021.
9. The Appeal was again fixed for hearing on November 09, 2021 and both parties were informed through notices sent on November 01, 2021.
10. The Respondent shared copies of the internal correspondence but never answered the information request of the appellant nor attended any hearing.

C. Discussion and Commission's View on Relevant Issues

9. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as the "Act".
10. The information requested by the appellant is declared as public record in section 5 (b) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
13. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
14. The department has failed to meet its obligations defined in Section 5(3) of the Right of Access to Information Rules 2019,

Section 5(3) of the Right of Access to Information Rules, 2019 states,

“Each public body shall publish on its website, and if such facility is not available, on its notice board the procedure of filing application and obtaining information including the schedule of costs and filing of complaint as prescribed by the Commission.”

15. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
16. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

17. The appeal is allowed. The Chief Executive Officer, Lahore Electric Supply Company is directed to provide the information requested in Para-2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
18. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
19. 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 December 26, 2021.
20. Copies of this order be sent to the Chief Executive Officer, Lahore Electric Supply Company and to the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

November 16, 2021

This order consists of 3 (three) pages, each page has been read and signed.