

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1329-09-2021

Muhammad Naeem

Versus

Peshawar Electric Supply Company

Date of Hearing: 10.11.2021

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Muhammad Naeem invoking the right under the Right of Access to Information Act, 2017 has asked information from the office of the Chief Executive, Peshawar Electric Supply Company through request dated August 30, 2021. He has desired the provision of the requested information on his email address “*Naeem 982@yahoo.com*” The detail of the requested information and record is reproduced as under:

- i. Total strength; sanction Strength and vacant Position (District, Division, sub Division and circle wise) of the PESCO.*
- ii. Last five years details of fatal, non-fatal accidents of Pasco linemen and other Staff and payment made to the Martyred families.*
- iii. A number of applicants applied for the different posts in PESCO and took their tests, but nothing has happened in the process of selection so far, in case any corruption and nepotism is exercised during this process provides details of enquiry conducted in this regard.*
- iv. Last five years Details how many thieves were caught and how many FIR registered against thieves who connected hooks (Kunda) illegally to the line and how many thief are convicted so far?*
- v. Does PESCO have its workshop for transformer repair in Mardan? If not how transformers are repaired Provide the details of Contractor etc who repaired Transformers in this regard and money paid in this regard*
- vi. Details of disciplinary action are taken against PESCO employees who could not control the line losses in their jurisdiction.*
- vii. How much power is the need of District Mardan? Does the transmission line could flow the power in summers without fault/loss. If not what measure had been taken to replace the old transmission lines”.*

2. Feeling aggrieved of the non-provision of the requested information and record from the respondent within the stipulated frame of time limit of ten

days provided in the Act, he preferred appeal dated September 11, 2021 before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The notice of the Commission served upon the Chief Executive Officer, Peshawar Electric Supply Company was not responded therefore the appeal was fixed for hearing before the Commission on 10.11.2021 and both the appellant as well as the respondent were informed accordingly vide notices dated October 14, 2021.

C. COMMISSION'S VIEW

4. While dealing with the matters related to information and record sought by the citizens under the Act 2017, the public bodies are under obligation to respond the applications as mandated in the Act. In the case in hand the respondent has not acknowledged the application, information is not provided to the applicant in the stipulated time frame and the notices of the Commission are ignored. The reply is not submitted and the hearing before the Commission was not represented by the public body. It is presumed that the respondent public body is willfully avoiding the proceedings before the Commission and that the public body has nothing in the sleeves to submit in the defense. In such like circumstances the Commission is left with no option but to decide the appeal ex parte after going through the file in light of the Act.
5. The bare reading of the request depicts that the appellant has asked sort of the information and record that should have been made accessible by the organization to the general public at large by uploading over the internet as mandated in section 5 of the Act.
6. Transparency in the working of the government departments is the essence for the enactment of the Act of 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism and inefficiency in the governance. Transparency is used as a means of holding public officials accountable and fighting corruption.

7. It is noticed that the respondent organization has not implemented the mandatory sections 5, 8 and 9 of the Act.

D. ORDER

8. The appeal is allowed. The Chief Executive Officer, Peshawar Electric Supply Company is directed to provide the appellant the requested Information forthwith, but in any case not later than seven (7) days of the receipt of this order

He is further directed to implement section 5 and 9 of the Act in letter and spirit under intimation to this commission latest by 31-12-2021.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 16.11.2021

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