

## **Pakistan Information Commission**

### **Government of Pakistan**

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### **In the Pakistan Information Commission, Islamabad**

#### **Appeal No E151-09/21**

**Rafaqat Waheed**

**(Appellant)**

Vs.

**Peshawar Electric Supply Company**

**(Respondent)**

### **Order**

**Date:** November 04, 2021

**Mohammad Azam:** Chief Information Commissioner

#### **A. The Appeal**

1. The Appellant on September 07, 2021 filed an appeal through online appeal management system of this commission, stating that he Submitted an information request to the XEN, Peshawar Electric Supply Company, Abbottabad on August 13, 2021 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

2. The information sought by the Appellant is as under:

*“1. The total number of transformers installed at Dheri Maira, Union Council Salhad, Tehsil and District Abbottabad indicating also the capacity, load and location of each one along-with number of connections.*

*2. Out of the above, which transformers are overloaded; give detail with capacity, load and location of the transformer and also number of connections.”*

#### **B. Proceedings**

3. This commission through a notice dated September 09, 2021 sent to the Chief Executive Officer, Peshawar Electric Supply Company upon the Respondent to submit reasons for not providing the requested information.

4. The Appeal was fixed for hearing on October 26, 2021 and both parties were informed through notices sent on October 08, 2021.

5. The public body neither attended the hearing nor submitted any written response.

### C. Discussion and Commission's View on Relevant Issues

6. 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 as Act.
7. The information requested by the appellant belongs to the Section 5 (a) of the Act, Section 5(a) is as under:

*“a) Description of the public body’s organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties that these are accessible subject to reasonable restrictions based on limited resources;”*
8. According to Section 14 of the Act, the public body shall be required to response to a request as soon as possible and in any case within ten working days of receipt of the request, however, in the instant appeal the public body is failed to acknowledge and respond to the information request of the appeal. Moreover, the public body also failed to the respond to the notices of commission and also did not attend the hearing held on October 26, 2021.
9. Disclosure of this information will help the citizen to understand the load on the transformer of their area and will able to manage their electricity usage accordingly. It will also improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will able to make the public bodies accountable for their performance.
10. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
11. 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.
12. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act, the citizens have to approach the commission for information due to the the wilful delay or denial by the public which causes undue cost to citizens and the commission.

## **D. Order**

13. The appeal is allowed. The Chief Executive Officer, Peshawar 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.
14. The public body 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 07, 2021.
15. 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.
16. Copies of this order be sent to the Chief Executive Officer, Peshawar Electric Supply Company and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

November 04, 2021

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