

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1396-10-2021
Gul Hassan
Versus
Oil Gas Development Company Limited

APPEAL NO. 1399-10-2021
Israr Ahmad
Versus
Oil Gas Development Company Limited

Date of Hearing: 31.01.2022

Fawad Malik: Information Commissioner

A. APPEALS

1. The information sought in both the titled appeals number 1396-10-2021 & 1399-10-2021 are common therefore are hereby decided through this consolidated order to avoid any conflict in decision.
2. Mr. Gul Hassan and Mr. Israr Ahmad, preferred their respective appeals dated 11 October, 2021 before the Pakistan Commission on access to information, Islamabad. They alleged that the request for information has not been responded by the Oil Gas Development Company Limited (OGDCL) within the frame of time stipulated under the Right of Access to Information Act, 2017.
3. Through applications dated 27 September, 2021 addressed to the Field Manager, Qaderpur Gas field, Ghotki they desired the following information:

“It is submitted that I need a "CERTIFICATE" to be signed by FM Qaderpur Field or any high level authorized officer on his behalf in respect of Minimum Labour Wages to be paid by the Company to its all employed workers including Contract Well Chowkidars (Batch-4) as well as third party contractor well chowkidars on lump sum basis (production department) at Qaderpur Gas field Ghotki; I want a confirmation "Certificate" that company paying to its all employed workers according to minimum labour wages 2021 fixed by Sindh government/federal government.”

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You are hereby requested to issue required "CERTIFICATE" in my favour within time fixed by law; also ready to pay all documentary charges if any

B. PROCEEDINGS

4. The notices of the Commission in the respective appeals were responded vide letter dated 24.01.22. The reply is as under:-

“i. That at the very outset, it is submitted that Oil and Gas Development Company Limited (OGDCL) is the national oil and gas company of Pakistan and the flag bearer of Pakistan’s Exploration and Production Sector. The Company is involved in Exploration, Drilling, Oil and Gas activities in Pakistan.

ii. That the applicant is misusing the forum of appeal as provided under section 17 of the Right of Access to Information Act, 2017 (Information Act 2017) since the purpose of the Information Act 2017 is not to fulfil the expectations or needs of the applicant but to improve access to record held by public bodies.

iii. That the application for provision of a tailor made certificate for the redresser of desires/needs of the applicant is beyond the scope of the Information Act 2017.”

5. Feeling dissatisfied with the reply the appellant in appeal 1399-10-2021 filed the rejoinder.

a. Respectfully submitted that para NO.1 of the respondent's filed implementation report is admitted further submitted that main stream company (OGDCL) must set precedence in all the business matters for other public/private oil & gas companies working in Pakistan because these other companies almost all follow OGDCL in their business as well as other matters.

b. Submitted that para NO.2 of the respondent's filed implementation report is opposed & denied that appellant wants to access to public records of the company in accordance with preamble & other provisions of Act 2017, because company must be in knowledge of number as well as wages of its workers directly engaged or through contractors & said information of workers & wages must be part of records of the company hence i want to Certificate of that recorded information this may make the company accountable to its workers/people and participation in public affairs etc. So I have right to have access to all information held by public bodies; this I will

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no doubt reduce corruption, inefficiency & promote sound economic growth it shall bring good governance & respect for human being as also mandated under the Act 2017.

- c. Submitted that para NO.3 of the respondent's filed implementation report is vehemently opposed and denied further submitted that I have requested for certificate which is record based information in accordance with section 2 (v) (xi) & other provisions of act 2017.

Since no requested record based information in the form of "CERTIFICATE" has so far supplied; it is prayed that this honourable commission may be pleased to pass formal order by directing company to provide information/record.

C. COMMISSION'S VIEW.

6. The appellants has desired the information pertaining to the Minimum Wages paid by the Company to its employed workers including Contract Well Chowkidars (Batch-4) as well as deployed through the third party contractor at Qaderpur Gas field, Ghotki and throughout Pakistan. Instead asking the documentary information/record/evidence, the appellant has requested a certificate from the MD, OGDCL and field manager, Qaderpur or any high level authorized officer in this behalf.
7. The reply submitted by the asking respondent is not proper and appropriate and in violation of the spirit of the Act. Asking for the information does not amount to misusing the Right of Access to Information Act, 2017 rather right of access to information held by the public bodies is the fundamental and constitutional right of the citizens. No doubt OGDCL is the national Oil and Gas Company of Pakistan and the flag bearer of Pakistan's Exploration and Production Sector but each public body are under obligation to implement the provisions of the Act of 2017 in letter and spirit. Amongst others *inter alia* it is included in the functions of the designated official to ensure full compliance of the requests and assist the applicant having problem in describing the information sought in proper and sufficient detail.
8. The certificate/covering letter regarding the information pertaining to the Minimum Wages paid by the Company to its employed workers including Contract Well Chowkidars (Batch-4) as well as deployed through the third party contractor at Qaderpur Gas field, Ghotki is not beyond the scope of the Act rather is enlisted in the category of public record that ought to have been published proactively as required under section 5 of the Act. The Commission is of the view that the appellant is entitled to the provision of all the information
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- and record detailed in their applications along with the certificate/covering letter of the organization.
9. It is noticed that the asking respondent has not notified the designated officer as mandated under section 9 of the Act.

D. ORDER.

10. The appeals are allowed. The Managing Director, Oil Gas Development Company Limited and Field Manager, Qaderpur Gas field, Ghotki are directed to provide the appellants the information pertaining to the Minimum Wages paid by the Company to its employed workers including Contract Well Chowkidars (Batch-4) as well as deployed through the third party contractor at Qaderpur Gas field, Ghotki along with the certificate/covering letter, forthwith but in any case not later than seven days of the receipt of this order.

He is further directed to comply the mandatory provision of Section 9 of the Right of Access to Information Act, 2017 within a fortnight under intimation to the Registrar of the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 14.2.2022

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