



In The Pakistan Information Commission, Islamabad

Appeal No 1383-10/21

Muhammad Ashraf

(Appellant)

Vs.

Ministry of Energy (Power Division)

(Respondent)

ORDER

Date: February 17, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission received the appeal from Muhammad Ashraf dated October 11, 2021, stating that he submitted information request dated August 20, 2021 under the Right of Access to Information Act 2017 to the Ministry of Energy. The Respondent public body has not responded to the information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

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

گزارش ہے کہ بندہ نے مذکورہ بالا عنوان کے تحت مورخہ 30 مئی 2021 کو جناب کی خدمت میں درخواست گزارگی تھی (کا پی اف ہے) جو کہ آپ کے دفتر کے لیٹر نمبر 20879 مورخہ 1 جون 2021 کے تحت میٹیکو پیڈ کو آرڈر ملتان بجوائی گئی تھی۔

سائل کو ابھی تک کچھ معلوم نہیں کہ مذکورہ درخواست پر کس حد تک شنوائی ہوئی ہے، جب تک کوئی پیش رفت رپورٹ یا انکوائری وغیرہ کی مصدقہ نقل میسر نہیں ہو جاتی، تب تک سائل اپنے کیس کی مزید پیروی کے لئے اپنے دلائل کو مضبوط کرنے سے محروم ہے، جو کہ عدل و انصاف کے عین مغافی ہے، جبکہ معلومات تک رسائی کا قانون سال 2017 جہاں سائل کو ایسی معلومات لینے کا حق دیتا ہے وہاں آپ جناب کو بھی سائل کو مذکورہ معلومات فراہم کرنے کا اختیار دیتا ہے۔ یہاں یہ بات بھی قابل ذکر ہے کہ انصاف فراہم کرنے والے دیگر تمام فورمز یعنی عدالتیں، نیپرا، محتسب وغیرہ ایسی معلومات سائلین کو فراہم کرتے ہیں۔

لہذا جناب سے انتہائی ادب سے التماس ہے کہ سائل کی مذکورہ درخواست پر حسب ضابطہ پیش رفت رپورٹ یا انکوائری کی نقل سائل کو میا کرنے کی شفقت فرمائی جائے۔

B. Proceedings:

3. Through a notice dated October 20, 2021, sent to Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division), the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied with in the given time.
4. The Appeal was fixed for hearing on February 08, 2022 and both parties were informed through notices sent on December 24, 2021.
5. No one appeared before the Commission to represent the Respondent during the hearing held on February 08, 2022.

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 to as the "Act".
7. The information requested by the appellant belongs to the Section 5 (i) of the Act, which is as under:
"(i) Reports including performance reports, audit reports, evaluation reports, inquiry or investigation reports and other reports that have been finalized;"
8. This Commission through multiple orders has held that inquiry report, if it is finalized, is a public document and should be available on the website of the public body.
9. The public body has failed to the respond to the notices of commission and also did not attend the hearing held on February 08, 2022.
10. 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 wilful delay or denial by the public bodies which causes undue cost to citizens and the commission.
11. This Commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be 'accessible' for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of 'accessible' in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:
"The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities".

D. Order

12. Appeal is allowed. Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division) is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
13. Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division) 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 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 within 30 days of the receipt of this Order.
14. Copies of this order be sent to Deputy Secretary (Admn) / Public Information Officer, Ministry of Energy (Power Division), Chief Executive Officer, Multan Electric Power Company and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

February 17, 2022

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