



**Appeal NO-298-02/2020**

**Rahim Ahmad**

(Appellant)

Vs.

**Chief Executive Officer**

**Tribal Electric Supply Company**

(Respondent)

**ORDER**

Date: October 14, 2020

**Mohammad Azam: Chief Information Commissioner**

**A. The Appeal**

1. The Appellant filed an appeal with the commission on 30/01/2020 in which he stated that he had requested information from Tribal Electric Supply Company under the Right of Access to Information Act 2017.
2. The information sought by the Complainant, through application dated 04/11/2019, is as under:

“I would like to submit that your good office has purchased a piece of land for the construction of Electric Supply Grid Station in the area of Tehsil Jamrud, Tribal District Khyber. I am writing to request your good self under Section 3 & 11, of right of Access to Information Act 2017, for the provision of the following documents within respective time period as per Section 12 & 14 of the said Act, i.e. 10 working days of the receipt of this request. List of documents to be provided are as under:

- I. Method adopted for purchasing the said land
- II. How much area was purchased for the construction of said Grid Station.
- III. Detail of payment released, and paid to the land owners for the purchase of said land.
- IV. Details of employees hired for the said grid station, i.e. Locals/Non locals.”

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## B. Proceedings

3. Through a notice dated 23/07/2020, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent did not respond to the notice and the hearing date was fixed for 25/08/2020 through the hearing notice sent on 13/08/2020 and both parties were informed accordingly.
5. No one appeared on behalf of the Respondent on the date of hearing on 25/08/2020.

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

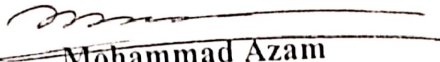
6. The questions before the Commission in the instant case are as under:
  - a) Does the requested information fall within the ambit of Right of Access to Information Act 2017?
  - b) Did the Respondent follow the stipulated procedure laid down in the Act in responding to the information request of the citizen?
7. It can be seen that the Appellant has requested information regarding the new Electric Supply Grid Station being built in Jamrod.
8. The perusal of the requested information shows that it falls within Section 5 1 (a), (h) which the Public Bodies are under an obligation to proactively disclose, and Section 6 (b) making it public record hence the general public should have complete access to it.
9. The Commission believes that the respondent either is unaware of the Right of Access to Information act or if aware has chosen to ignore it.
10. Section 9 of the Act makes it obligatory upon every Public Body to appoint a Public Information Officer, which the Public Body has not appointed to date, hence a failure to implement Section 9.
11. The Respondent did not even bother to respond to the information request of the citizen hence being in violation of the Section 12 of the Act.
12. Section 13 of the Act contains in detail the procedure for acceptance or refusal of an information request, which the Public Body has failed to take a notice of.
13. The Public Body has failed to comply with Section 14 of the Right of Access to Information Act 2017 which lays down the time limit for responding to a request.
14. It is a matter of great concern that the Respondent has chosen to ignore the information request by the citizen and the multiple notices issued by the Commission.
15. The Commission is of the view that there is a willful delay in providing the information to the citizen which is no state secret, and should have been provided to the citizen as it is his constitutional right.



16. This commission is of the view that purposely delaying the requested information causes undue cost to citizens and the commission. Citizens have to approach this commission for the exercise of their fundamental constitutional right of access to information which involves cost both in terms of money and time.
17. The public bodies must interpret the Act so as to progress its purposes as set out in the preamble of the Act to promote the right of access to information and facilitate access of information and record held by the public authorities, hence granting the general public greater awareness and participation in public affairs.

#### D. Order

18. The appeal is allowed. The Respondent is directed to provide the requested information to the Appellant, with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.
19. Respondent is directed to notify Public Information Officers, (PIOs), under Section 9 of the Act, put their contact details on their web sites as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
20. Respondent is 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 9/11/2020.
21. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

  
Mohammad Azam

Chief Information Commissioner

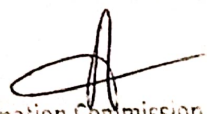
  
Fawad Malik

Information Commissioner

  
Zahid Abdullah

Information Commissioner

Announced on:  
October 14, 2020

  
Pakistan Information Commission  
Government of Pakistan  
Islamabad

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