

**Pakistan Information Commission  
Government of Pakistan**



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  @PkInfoComm



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1976-06/22**

**Faisal Hassan**

**(Appellant)**

**Vs.**

**Peshawar Electric Supply Company**

**(Respondent)**

**ORDER**

Date: October 28, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated June 13, 2022 to the Commission, stating that he submitted an information request to the XEN WAPDA, Sub Division City-1, Abbottabad on August 03, 2022 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 follows:  
*"Kindly provide the copy of "daily Load shedding schedule for "Repco feeder kehal".*  
*2. Kindly provide the copy of "Sunday Permit taken by the Construction division (according to the statement of Wapda Abbottabad.*  
*3. Why Grid station or relevant department always restored light of "Repco feeder kehal" after passing several hours of the time taken and mentioned for the permit?*  
*4. We would like to know from addressee (Ex-en) that inspite of our written Applications along with all provided records,two to three personal meetings with you,why you didn't make your commitment to send your SDO to investigate all the matters relating to the disorders of "Repco feeder Kehal"?*  
*5. Kindly provide the copy of comprehensive plan/proposal, which has been approved (according to EX-en City) along with the allocated funds for "Repco feeder kehal" and*  
*6. kindly also inform, what are the reasons /obstacles not to implement the said plan to provide due relief to the relevant consumers so for ?*  
*7. Why the official numbers of wapda customer service, Grid and other always non-respondent for consumers to complaint?*  
*8. Why the SE Wapda, Ex-en,SDO,Line superintendent and line man block the numbers of consumers not to hear them. Have these officials any legal provision to do this practice? In case where and to whom should the consumer complain?*  
*9. In spite of receiving sufficient funds for maintenance and renovation of system from Government, why the "Repco kehal feeder" can't sustain and unable to bear a single drop of rain or a very little wind blow for last many years?*  
*10. Why there is extreme tripping at the feeder on daily basis for upto 14 to 17 times? while there is no single trip on other feeders. (we personally investigated all the time).This all is because of mismanagement, mishandling and corruption why you have been total failed to eliminate such type of corrupt elements within your department?*

*11. Have you any repairing workshops of your retired technicians/officials in Havelian Abbottabad or somewhere else to assist you in repairing / renovation of electrical devices on request of wapda Abbottabad .if so, then kindly provide the address /contact numbers of those.”*

## **B. Proceedings**

3. Through a notice dated September 01, 2022 sent to Chief Executive Officer, Peshawar Electric Supply Company, this Commission directed to provide reasons as to why the requested information has not been provided to the appellant. However, the Respondent did not provide any response.

## **C. Issues**

- 4 The instant appeal has brought to the fore the following issues:
  - (a) Has the Respondent provided the requested information to the Appellant permissible under the Right of Access to Information Act, 2017?
  - (b) Does the web site of the Respondent contain categories of information mentioned in Section 5 of the Right of Access to Information Act, 2017?

## **D Discussion and commission’s views on relevant issues:**

5. In the instant Appeal, the record on the file shows that the Respondent demonstrated utter disregard to the provisions of the Act, 2017.
6. In the instant appeal, the Respondent failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act.
7. The Respondent also failed in following the procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act.
8. The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
9. The Respondent failed to respond to notices of the commission.
10. This commission holds that the requested information about daily Load shedding schedule, restoration of electricity, action taken on the application of the Appellant, based on the records available, any approved proposal, procedures about the handling of complaints and other functions of the Respondent is not only public information, this information should have been proactively published on the web site of the Respondent.
11. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
12. Even a cursory glance at these categories demonstrates that the significance of their proactive disclosure can hardly be exaggerated in terms of improving governance in the country.
13. Under staffing of officers is a perennial problem faced by public bodies. However, this issue does not get public attention it deserves. If a ministry keeps updated diary of its

officers on its web site, citizens would know about total number of sanctioned posts and the details about sanctioned posts filled and lying vacant. This critical issue of understaffing is not going to get public attention if this information is not brought in the public domain through proactive disclosure of directory of officers through web sites.

14. It is common knowledge that citizens face multiple barriers because of the lack of information about services being provided by a public body. For example, if particular sub-section about proactive disclosure of information is implemented, citizens would know about terms and conditions for acquiring any license, permit, consent, approval, grant, allotment or other benefits offered by a ministry.
15. Citizens would be able to know about terms and conditions for all kinds of agreements and contracts that are entered into by a federal public body.
16. Citizens would be able to know about the particulars of the recipients of any concession, permit, license or authorization granted by the public body because it is a legal requirement considering that all such grants are given through taxes of the citizens.
17. Citizens would have greater level of participation in the governance of the country if information about decision making processes of the public body and information about how citizens can provide their input to the public bodies made available on the web site of the public body, as required under Section 5 of the Act.
18. There is need for improving availability of information in the public domain about the allocation and utilization of public funds by federal public bodies so that citizens could know how their taxes are being put to use. This would only happen when public bodies put Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget on their web sites as required under Section 5 of the Act.
19. The implementation of Section 5 of the Right of Access to Information Act 2017 would help citizens exercise their constitutional right of access to information in matters of public importance if federal public bodies put details of the method methods for seeking information from the public bodies.
20. In this connection, each federal public body is legally obligated to put Schedule of costs, developed by Pakistan Information Commission, (available on the commission's web site) for seeking information from federal public bodies on its web site. Furthermore, each federal public body is legally obligated to put name, title, E-mail and telephone number of the Public Information Officer notified under the Right of Access to Information Act 2017 on its website, a crucial piece of information which few public bodies have put on their web sites.
21. Officers have to file information requests and then appeals with commission to get access to enquiry reports conducted against them. Similarly, candidates who apply for government jobs seek information by filing appeals with the commission to get access to information about criterion for jobs and marks allotted to successful candidates to gauge the level of fairness adopted by the public body in the recruitment process. Citizens will not have to go through the trouble of filing information requests and appeals with the commission if each public body ensures that all performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized are made available on the web sites of the public bodies.
22. This commission is of the view that trust of citizens in public institutions is irrevocably linked with timely and accurate flow of information between citizens and public institutions. However, this would only be possible when Principal Officers of federal public

bodies would ensure implementation of the Right of Access to Information Act 2017 in letter and spirit.

23. It is pertinent to mention here that this commission has maintained through its different Orders 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**

24. The Appeal is allowed. Chief Executive Officer, PIA is directed to provide the Appellant information requested in para 2 of this Order within 7 working days of the receipt of this Order.
25. The 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 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 10 working days of the receipt of this Order.
26. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using ‘Web accessibility checklist’. This checklist is available under ‘Information Desk’ category at the web site of the commission [www.rti.gov.pk](http://www.rti.gov.pk). The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
27. Copies of this Order be sent to the Respondent and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

October 28, 2022

This order consists of 4 (four) pages, each page has been read and signed.