



In the Pakistan Information Commission, Islamabad

Appeal No 1328-09/21

Imaan Zainab Hazir

(Appellant)

Vs.

Ministry of Information and Broadcasting

(Respondent)

ORDER

Date: December 28, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on September 22, 2021, to the Commission, stating that he had submitted information requests to Public Information Officer, Ministry of Information and Broadcasting on August 12, 2021 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
“1) Please provide information on the total cost incurred in preparation and publication of "Deep Analytics Report: Anti-State Trends (PTM, Political Parties, Indian and Fake News Nexus) 2019-2021", prepared by the Digital Media Wing?
2) Please provide information on the persons/organizations engaged/contracted for preparation and publication of the aforementioned report, along with information on payments made to them?”

B. Proceedings

3. Through a notice dated September 30, 2021, sent to Public Information Officer / Deputy Secretary (Coord), Ministry of Information and Broadcasting the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. The Appeal was fixed for hearing on November 16, 2021 and both parties were informed through notices sent on November 01, 2021.

6. The Appeal was again fixed for hearing on December 07, 2021 and both parties were informed through notices sent on November 16, 2021.
7. The Appellant through an email dated November 19, 2021 submitted rejoinder to the information directly shared by the Respondent with her, which is as under:

““Preliminary objections

1 The inadequacy of the information provided aside, the information has not been accompanied by a certification attesting the information as a true copy of the original record. This is a requirement of Section 13(3) of the Right of Access to Information Act 2017 It is settled law that where law requires an act to be done in a particular manner, it has to be done in that manner alone and such dictate of law cannot be rendered a mere technicality Reliance is placed on PLD 2016 Supreme Court 995

2. The information provided is not what was requested in my RTI request, follow-up letter or appeal. It is merely a justification for non-provision of information, and highlights the non-transparent approach adopted by the Ministry of Information and Broadcasting towards provision of information under the RTI Act. The same is rejected as being grossly inadequate, deflection and issued with mala fide to conceal misuse misallocation of public funds

Para-wise reply:

1. The Digital Media Wing has disclosed that the Report was prepared by "internal resources at the Digital Media Wing", as though those resources are not from taxpayer's money. No resources of the Digital Media Wing are "internal resources" -all funds utilized by the Ministry of Information and Broadcasting are public funds and citizens have a right to know about utilization of such funds. particularly for such futile purposes as the instant report. It would appear that the Ministry of Information and Broadcasting is entirely ignorant of the jurisprudence of the Honourable Supreme Court.

Reliance is placed on PLD 2013 Supreme Court 244, wherein the Ministry of Information and Broadcasting was obliged to disclose the nature and use of funds allocated to it, including secret funds.

2 It is irrelevant whether special funds were allocated or whether the Ministry of Information & Broadcasting utilized already existing funds. It is beyond logic and rationality why the Ministry of Information and Broadcasting believes that it is not accountable for taxpayer's money spent on such reports Reliance is placed on PLD 2018 Lahore 198, in which the Honourable Lahore.

High Court has held that the people have a right to know every public act, everything that is done in public way, by their public functionaries and chosen representatives.

3. It is irrelevant that the report was prepared by analyzing publicly available data. This fails to answer the questions in my RTI request, follow-up letter and appeal. The questions I had asked related specifically to the total cost incurred in preparation and publication of the Report, and the persons/organizations engaged OR contracted for preparation and publication of the report and payments made to them. Even if internal resources were utilized, this information can still be easily provided as a record of each rupee spent is kept by public functionaries/government departments.

4. It is irrelevant that no hard copy of the Report was published. There was still cost incurred in its preparation, and specific persons must have been tasked with research and

publication of the report. That information comes squarely within the ambit of the RTI Act and must be provided.”

7. No one appeared to represent the Respondent in the hearings held on November 16, 2021 and December 14, 2021.

C. Discussion and Commission’s View on Relevant Issues

8. 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”.
9. 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 hearings held on November 16, 2021 and December 14, 2021.
10. The public body on September 28, 2021 was also directed to submit written arguments to Pakistan Information Commission within 15 working days. The commission stated “If the written arguments are not submitted within 15 days, the appeal will be decided Ex-Partee in the light of the record available on file and the Right of Access to Information Act 2017”, but this Commission did not receive any response from the Respondent.
11. The information requested in Para 1 is public record under Section 5 (i) of the Act, which is as under:

“(i) Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized.”
12. Moreover, the information requested by the Appellant in Para 2 of the Information request is also public record under Section 5 (g) of the Act, which is as under

“(g) 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;”
13. 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 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.
14. 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.
15. 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

16. The appeal is allowed. The Public Information Officer / Deputy Secretary (Coord), Ministry of Information and Broadcasting 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.
17. The Respondent 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.
20. 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. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
22. Copies of this order be sent to the Public Information Officer / Deputy Secretary (Coord), Ministry of Information and Broadcasting and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

December 28, 2021

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