



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 1788-02/22**

**Syed Ishteyaq Bukhari**

**(Appellant)**

Vs.

**Audit Bureau of Circulation**

**(Respondent)**

**Order**

**Date:** June 30, 2022

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated February 28, 2022, to the Commission, stating that he submitted an information request to the Director General Circulation on February 08, 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 under:-
  1. *“Provide certified list of All Pakistan Daily Newspapers including weekly Newspaper/ Magazines, Fortnightly and monthlies, who obtained valid ABC Certificate with detailed information of each newspaper, magazine, fortnightly and monthly.*
    - i. *Name of newspaper, magazines, fortnightly and monthly.*
    - ii. *Name of printing press with address*
    - iii. *Daily circulation as per ABC Certificate (Per day publishing copy)*
    - iv. *Rate of commission*
  2. *Provide certified copy of policy or method rules about how to deciding or finalizing the circulation of newspaper before issuing ABC certificate.*
  3. *Provide certified copy of any report about checking the ABC certificate on weekly, fortnightly, monthly, quarterly, six monthly or yearly bases.*
  4. *Provide, method, rules or system about how to check circulation of newspaper if received any complaint or about Dummy newspapers or not publishing newspaper.*
  5. *Provide certified method, rule or mechanism about renew the ABC certificate with increasing or decreasing of circulation.*
  6. *Provide list of newspaper, who’s ABC or renewal of ABC refused from 01-10-2016 to 31-12-2021”.*

**B. Proceedings**

- 3 The record on the file suggests that the Respondent submitted its response on the intervention of this commission on March 15, 2022 and its text is as under:

*“ 2. The information requested by citizen at Para-1, 2 & 5 is enclosed at flag-A, B and C. However the information requested at Para-1 subpara-(1), (1) relates to Press Registrar office, Islamabad while at Para-4 & 6 has nil reply. Furthermore, the information requested at Para-1 subpara- (i), (v) & Para-3 is exempted from sharing as per Section 16 clause (iv) of Right of Access to Information Act, 2017 which is stated as under*

*16 Information exempt from disclosure*

*(i) Information may be exempted if its disclosure is likely to-*

*(iv) Undermines the effectiveness of testing or auditing procedure used by a public body (Flag-D)*

3. This Bureau is of the view that circulation figures and rate of commission paid, being business secrets of the respective organizations/entities, should not be shared.  
4 The delay in provision of requisite information is regretted”.

- 4 The Appellant submitted his response on April 24, 2022 and its text is as under:  
“I received information sharing in Appeal No. 1788-02/22, which is not completed as per requested information  
That the public body not provided the information requested in Para No.1 in sub Para No's iii & iv  
iii. Daily circulation as per ABC Certificate (per day publishing copy)  
IV Rate of commission  
That, the requested information in Para No 3, 4 & 6 also not provided.

3- Provide certified copies of any report about checking the ABC certificate on weekly, fortnightly, monthly, quarterly, six monthly or yearly bases

4- Provide method, rules or system about how to check circulation of newspaper if received any complaint or about Dummy newspapers or not publishing newspapers. &

6- Provide list of newspapers who's ABC or renewal of ABC was refused from 01-01-2016 to 31-12-2021.

That the public body claim exemption on sub Para no i & iv of Para No 1 including Para No 3, which is not according to law or not laying under section 16 clause 1 (iv) of the Right of Access to information Act, 2017

I am not satisfied with the response of the Public Body. You are requested to help me in getting the information. Thank you”.

- 5 Hearing on the instant Appeal was held on June 23, 2022 vide letter dated June 08, 2022 which was attended by the Appellant. The Appellant reiterated his response earlier submitted in writing and requested for earlier decision on the matter.

### **C. Issues**

- 6 The instant Appeal has brought to the fore following issue:  
Does the stance of the Respondent that “circulation figures and rate of commission paid, being business secrets of the respective organizations/entities, should not be shared” hold water under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

### **D. Commission’s View on Relevant Issues**

7. This commission holds that requested information about certified list of All Pakistan Daily Newspapers including weekly Newspaper/ Magazines, Fortnightly and monthlies, who obtained valid ABC Certificate with detailed information of each newspaper, magazine, fortnightly and monthly, along with name of newspaper, magazines, fortnightly and monthly; name of printing press with address; daily circulation as per ABC Certificate (Per day publishing copy) and the rate of commission is not hit by any of the exemption clauses of the Act, 2017.
8. The disclosure of circulation figures and rate of commission paid is intrinsically linked with both the citizens’ right of access to information in matters of public importance as well as with the legitimate commercial interests of media entities. The disclosure of this information will reveal how effectively public funds are utilized to disseminate information through advertisements. When public funds are used to disseminate message of the government by placing advertisements, every effort should be made to disseminate the message far and wide through proper placement of advertisements based on the available public funds. It is responsibility of the public officials to get the best value of the public money and citizens have the right to know how public officials are ensuring the value of public money spent through media campaigns of the government meant for general public.

9. This commission also holds that instead of jeopardizing auditing procedure of Audit Bureau of Circulation, the disclosure of the requested information about the way such an audit is conducted to fix rates of commission for the placement of advertisements in different newspapers will not only strengthen such auditing procedure but will also help protect legitimate commercial interests of all entities vying for the placements in their newspapers.
10. It is unfathomable as to how audit procedure will be compromised as media entities who get public funds go through such an audit. If numbers of circulations and commission rates paid to a particular media entity are disclosed, the entire process of the utilization of public funds through advertisements would become transparent, for anyone to see including all media entities and citizens of Pakistan would know what media entity gets how much public funds based on their level of outreach etc. In short, the disclosure of information as to how audit of circulation is determined and rates of commission are fixed will not only protect and promote citizens' right of access to information but will also protect legitimate commercial interests of media entities.
11. Rumours-mongers have field day when certified information is not available and same is the case with regard to utilization of public funds to disseminate information through advertisements placed in different newspapers by government. No matter how unfortunate it may be, rumours are in abundance that some shady individuals in cahoots with public officials get public funds released for dummy newspapers, giving a bad name to honest and hard-working officials of the Ministry of Information and Broadcasting.
12. Greater level of disclosure of information pertaining to utilization of public funds is the best antidote for the wide-spread malady of rumours-mongering, calling into question integrity of public officials.

#### **E. Order**

13. The Appeal is allowed. The Respondent is directed to provide the Appellant remaining information as requested by the Appellant in para 2 of this Order with intimation to the commission within 10 working days of the receipt of this Order.
14. 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:  
July 30, 2022

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