

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 428-7-2020

Laraib Sheikh

Vs

Pakistan Electric Media Regulatory Authority

Date: 21.9.2020

Fawad Malik : Information Commissioner

A. APPEAL:

1. The brief facts of the appeal are that Miss Laraib Shaikh has filed the appeal before the Pakistan Information Commission under section 17 of the Right of Access to the Information Act 2017, against the Chairman and DGs of Pakistan Electronic Media Regulatory Authority (PEMRA) for not responding to the information request of the appellant sent through e-mail on 21.5.2020 on the PEMRA's website Chairman@pemra.govt.pk. Later two reminders also remained unheeded. The appellant has requested for the following information;

Can you please inform details of all advisories and advices issued by PEMRA in 2019.

B. PROCEEDINGS:

2. The Chairman, Pakistan Electronic Media Regulatory Authority vide letter dated 21.7.2020, was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

3. No reply was filed within the time provided therefore the appeal was fixed for hearing before the Commission on 16.9.2020 and both the appellant as well as the respondent were informed accordingly vide notices dated 13.8.2020.
4. No one appeared at the time of hearing before the Commission nor was the reply submitted in the office of the Commission.

C. COMMISSION'S VIEW:

5. The respondent public body has not observed the mandatory prerequisites of processing the request for information filed by the appellant nor did respond to the two notices of the Commission. The written reply desired by the Commission is not submitted so as to apprise the Commission the stance of the public body for not responding to the request. The refrain from response of the public body will be presumed that it has no defence in sleeves or it doesn't want to submit any stance. The Commission is left with no option but to decide the appeal Ex parte because the Commission is under obligation to decide the appeal within a period of 60 days. The Commission took cognizance of the appeal on 21.7.2020, when the notice was issued therefore keeping in view the time limit ceiling, the appeal is being decided.
6. The appellant has desired the advisories and advices issued by PEMRA in the year 2019 in her request. *Prima facie* sort of information is encompassed in the category of record that ought to have been published including computerization and uploading over the internet for voluntary disclosure by the principal officer of each public body, within six months of the commencement of the Act 2017. This mandatory provision is to be observed with in letter and spirit.
7. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.
8. The procedure for the acceptance and refusal of the application for information is provided in section 13 of the Act. It is mandatory for the designated officer appointed by the public body to acknowledge the application before processing. If the applicant is entitled for the provision of the information than the same should be provided within the period mentioned in section 14 and in case the request merits rejection then to inform the applicant the reasons under which it is rejected in accordance with the provisions of the Act.

9. Right of access to the record and information in the matters of public importance is constitutional and statutory right of the citizens provided under the Constitution of Pakistan and the Right of Access to Information Act, respectively which cannot be denied or delayed at the whims of the government hierarchy.

D. ORDER:

10. The appeal is allowed. The Chairman, Pakistan Electronic Media Regulatory Authority is directed to provide the requested information to the appellant forthwith but in any case not later than ten (10) days of the receipt of this order. He is further directed to make arrangement for the proactive disclosure of the category of information mentioned in section 5 of the Act.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 21.9.2020

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

The Chairman, Pakistan Electronic Media Regulatory Authority is directed to provide the appellant the desired information of advisories and advices issued by PEMRA in the year 2019.