



Appeal No 010/03/19

Ms. Faiza Hassan (Appellant)

Vs.

Pakistan Broadcasting Corporation (Respondent)

Date: September 05, 2019

Order

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The appellant sent an appeal, dated 04/03/2019, to the Commission, alleging that the Respondent had not responded to her application for access to information within the time period specified in the Right of Access to Information Act 2019. The information sought by the Appellant, through application dated 19/02/2019, is as follows:

- “Name of Editor-in-Chief of FM 101
- Gross income of the channel (FM 101) for fiscal year 2017-18 as per audited accounts
- Net assessed/declared profit of the channel (FM 101) for fiscal year 2017-18 Copy of 2017-18 as per audited accounts
- Gross funds earned by the channel from the following:
 - Gross income from the government advertising in FY 2017-18
 - Gross income from private advertising in FY 2017-18
 - Gross income from subscription in FY 2017-18”

B. Facts in Brief

2. Through a notice dated 14/03/2019 and, later, through a reminder notice dated 26/06/2019, the Commission called upon the Respondent to redress the complaint and submit his reply including rebuttal or explanation, if any.

3. On 13/05/2019, the respondent shared that hectic efforts were made to locate request of the applicant which was located at the Ministry of Information and Broadcasting from where it was forwarded to the Director General, (PBC) on 21/03/2019.

4. Through a letter dated 01/07/2019, PBC again shared the reasons for the delay as mentioned in the previous letter.

5. The hearing date was fixed for 31/07/2019 through the hearing notice sent on 11/07/2019 and both parties were informed accordingly.

6. Through a letter dated 23/07/2019, the respondent shared that the financial statement of the public body has not been audited, therefore it could not be shared. However, the remaining information was shared with the applicant. The appellant appeared in person before the commission at the time of hearing and stated that PBC be directed to share with her the requested audited accounts of PBC for FY 2017-18 at the earliest.

C. Discussion and Commission's View on Relevant Issues

7. It is difficult to understand why a request for information of the applicant sent to DG, Pakistan Broadcasting Corporation on 19/2/2019, as claimed by the appellant and supported by courier receipts was not received by PBC.

8. It was only after the first notice sent to PBC on 14/03/2019 that PBC was able to locate the request for information of the applicant at the Ministry of Information and Broadcasting from where it was forwarded to PBC on 21/03/2019.

9. Even when PBC was able to locate the request for information, it failed to acknowledge its receipt as required by Section 13 (1) of the Right of Access to Information Act 2017.

10. It is pertinent to note that PBC responded on 23/07/2019 to the information request filed on 04/03/2019 which the PBC was able to locate at the Ministry of Information and Broadcasting on 21/03/2019.

10. The commission is of the view that the delay of over five months in responding to the information request is caused by non-serious attitude of the head of the public body in ensuring the implementation of the various provisions of the Right of Access to Information Act, including the designation of Public Information Officers at the ministry and in all its attached departments as required under Section 9 of the Act.

11. The commission notes with grave concern that maladministration on the part of the public body has hampered the exercise of the right to information of a citizen as the financial statements of the public body pertaining to Financial Year 2017-2018 were not finalised as on 23/07/2019.

D. Order

12. The appeal is allowed. The Respondent is directed to take steps to audit its financial statements, share the same with the appellant within three working days once audited and submit the compliance report to the commission.

13. In pursuance of the implementation of Section 5 (g), the respondent is directed to update on its web site information about 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 along with other information mentioned in

Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission within thirty days of the receipt of this order.

14. The Respondent is directed to notify Public Information Officer as required by Section 9 of the Right of Access to Information Act 2017 and share the notification to this effect with the commission within 10 working days of the receipt of this order.

15. Copies of this order be sent to the Respondent, the Appellant, Director General, Pakistan Broadcasting Corporation and Secretary, Ministry of Information and Broadcasting for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

September 05, 2019

Announced

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

Information Commissioner