



Appeal No 092-07/19

Shahbaz Akmal Jandran (Appellant)

Vs.

Pakistan Electronic Media Regulatory Authority (Respondent)

Date: December 12, 2019

ORDER

Zahid Abdullah: Information commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on July 12, 2019 in which he stated that he had requested information from PEMRA under the Right of Access to Information Act 2017.

2. The information sought by the Complainant, through application dated 28/03/19, is as under:

1. How much budget was allocated to PEMRA Headquarters since 1st July 2017 to date for POL, especially for repair, maintenance of vehicles and oil change etc and how much was consumed?
2. Which auto workshops have been hired for repair, maintenance of official vehicles and for oil change etc since 1st July to date? Please provide details of agreement and advertisement etc.
3. How much these auto workshops have been paid against the repair, maintenance of official vehicles and for oil change since 1st July 2017 to date. Please provide copies of receipts.
4. How many inquiries are under process against misuse of POL funds etc. Please provide name list of employees involved in inquiries.
5. What is the prescribed limit for use of CHAIRMAN, DIRECTOR GENERALS, GENERAL MANAGERS and other officers in PEMRA Headquarters and what actually was availed since 1st July 2017 to date. Please provide the name list and details.
6. How many official vehicles are in use of CHAIRMAN, DIRECTOR GENERAL, GENERAL MANAGERS and other officers in PEMRA Headquarters and what is their prescribed entitlement? Please provide details.

B. Proceedings

3. Through a notice dated 24/07/2019 the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. Through a second notice dated 17/10/19 the Respondent was again directed to provide reasons in writing within 3 working days of the receipt of the notice as to why the requested information has not been provided to the Appellant.
5. The hearing date was fixed for 13/11/19 through the hearing notice sent on 23/10/2019 and both parties were informed accordingly.
6. The Respondent did not appear before the commission at the time of hearing.

C. Discussion and Commission's View on Relevant Issues

7. Other than item 4, the requested information falls within Section 6 (a) (b) and (c) of the Right of Access to Information Act 2017.
8. While information about total number of on-going enquiries can be provided but names of persons who are subject of enquiries cannot be disclosed.
9. The commission is of the view that the Respondent failed to implement Section 11 (1) of the Right of Access to Information Act 2017 as request of the applicant has not been acknowledged by the Respondent.
10. The commission notes with grave concern that the Respondent did not provide the requested information to the citizen within a maximum of 20 working days of the receipt of the information request and thus failed to implement Section 14 (1) and (2) of the Right of Access to Information Act 2017.

D. Order

14. The appeal is allowed. The Respondent is directed to provide the requested information to the Applicant, including information about total number of enquiries, at the earliest, but in any case, not later than 10 working days of the receipt of this order. Furthermore, 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 by 12/01/2020.
15. Copies of this order be sent to the Respondent, the Appellant and Chairman, Pakistan Railways for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
December 12, 2019

This order consists of 2(two) pages; each page has been read and signed.