

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No E58-01/21

Taimoor Khan

(Appellant)

Vs.

Ministry of Information and Broadcasting

Through Its Public Information Officer

(Respondent)

Order

Date: June 16, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date October 05, 2020, to the Commission, stating that he Submitted an information request to the Joint Secretary / Public Information Officer of Ministry of Information and Broadcasting dated September 23, 2020 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. List of the newspapers published from Rawalpindi and Islamabad, along with their status, ABC Certified, Central Media List etc., along with the details of the advertisement issued to them from Jan 2017 to date.
 2. Copy of the print order of each paper.
 3. Copy of the certificate issued to them.
 4. Copy of the policy document / criteria set to declare any newspaper as National paper.
 5. Copy of the provincial assessment committee criteria policy document.
 6. What is the criteria to issue advertisement to local and national newspapers?
 7. Details about the local market survey reports, along with the following details,
 - a) Date(s) on which the survey was conducted from Jan 2017 to date.
 - b) List of the Officer(s) officials who have conducted the sun
 - c) Copy of each survey report
 - d) Details about the measures taken after the market survey.
 8. Whether it is fact that Director is discretion power to increase the circulation audit figure, if it is true. please provide the long details
 - a) copy of the said notification rules
 - b) list of the newspapers she's audit cure in increased using this authority along with their new increased figures from Jan 2017 to date.”

B. Proceedings

3. Through a notice dated January 13, 2021 sent to the Joint Secretary (admn), Ministry of Information and Broadcasting the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The appeal was fixed for hearing on June 15, 2021 and both parties were informed through notices sent on June 04, 2021.
5. No one appeared on behalf of the Respondent to attend the hearing.

C. Discussion and Commission's View on Relevant Issues

6. The question for the consideration of the commission is that whether the information requested by the citizen is public information/ record? And whether the public body has fulfilled its duties as defined in the Right of Access to Information Act, 2017 hereafter referred to as Act ?
7. The information requested by the appellant belongs to the Section 5 ((1) a) and (e) of the Act. Section 5(e) is as under:

“e) The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body”
8. The requested information is also declared as public record in Section 6 (b) of the Act, which is as under:

“(b) Transactions involving acquisition and disposal of property and expenditure are undertaken by a public body in the performance of its duties and functions;”
9. In the instant appeal, the public body has failed to acknowledge and respond to the information request of the Appellant. Moreover, the public body also failed to respond to the notices of commission and also did not attend the hearing held on June 15, 2021.
10. 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. As such, citizens have to approach the commission for information due to the willful delay or denial by the public bodies which causes undue cost to citizens and the commission.
11. Government spends millions of rupees on the advertisement of the Government initiatives and projects. This amount is paid from the national exchequer and the citizen have the right to know about the utilization of public funds.
12. This commission notes with concern that citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
13. According to Section 14 of the Act, a federal public body is required to response to a request as soon as possible and in any case within ten working days of receipt of the request. However, in the instant appeal the the Public Information Officer has failed to acknowledge and respond to the information request of the citizen.
14. According to Section 19 (d) of the Act, this commission is bound to make sure that all information determined in Section 5 of the Act is made available on the website of the

public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk

15. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

16. The appeal is allowed. The 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 by July 16, 2021.
19. Copies of this order be sent to the 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:
June 16, 2021

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