

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 921-02-2021

Mohammad Ali versus Office of the Press Registrar

APPEAL NO. 923-02-2021

Mohammad Ali versus Office of the Press Registrar

APPEAL NO. 925-02-2021

Mohammad Ali versus Office of the Press Registrar

Date: 26.7.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. The three titled appeals under the Right of Access to Information Act, 2017 before the Pakistan Information Commission by the same appellants asking identical questions in principal from the same public body i.e. office of the Press Registrar are clubbed together for disposal through a single consolidated order to avoid any conflict in decision.
2. The respective information requested in the three appeals are as under:
Appeal No. 921-02-2021

“Is an NOC, issued by the Press Registrar, in favour of publisher and/or printer, the entitlement to open business bank accounts, on the basis of NOC alone?”

Is an NOC, issued by the Press Registrar, in favour of a publisher and printer, the entitlement to have National Tax Number on the basis of NOC alone?”

Appeal No. 923-02-2021

“Verified copy of the latest original NOC application form including the mandatory requirements for the transfer of partnership of one (roznaama) AKHBAR-E-SHEHER in Urdu (□□□ □□□□□) from Peshawar in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.”

Appeal No. 925-02-2021

“Verified copy of the original NOC application form including the mandatory requirements for the transfer of partnership of one

(roznaama) AAJ Peshawar in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.

Verified copy of the original NOC application form including the mandatory requirements for the transfer of partnership of one (roznaama) AAJ Abbottabad in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.”

B. PROCEEDINGS.

3. The Deputy Press Registrar vide letter dated 2.6.2021 submitted the reply to the appeals. The relevant part of the reply is reproduced as under:

“It is brought to your kind notice that same applicant is a party in two cases for same “titles” that are still pending in honourable courts of law detail is as;

- i. The case titled Muhammad Ali vs Nighat Shaheen & Press Registrar at Respondent No. 19 is pending for adjudication in the court of Mr. Bilal Khan Tanoli, Civil Judge xiii, Peshawar vide case No. 42/1 dated 16.03.2020.*
- ii. Secondly another case titled Nighat Shaheen & other vs Muhammad Ali & others and Press Registrar at Respondent No. 16 is also pending in Peshawar High Court Peshawar vide CR No. 148/2021 dated 22.3.2021.*

This is for kind information/perusal that the matter is sub-judice before competent court of law. Kindly advice this office regarding request of Mr. Muhammad Ali as per Right to Information Act, 2017.

Most of the information as required are available on our website opr.gov.pk.”

C. COMMISSION’S VIEW.

4. Appeal No. 921-02-2021

In this appeal the appellant has inquired whether a publisher/printer can open his business bank accounts or obtain National Tax Number on the basis of the NOC issued by the Press Registrar. The information and prerequisites regarding opening the bank account and procuring the NTN can be better provided by the bank and FBR respectively. The office of the Press Registrar only provide the NOC of his organization irrespective of the fact that the bank or the FBR accept it for opening the bank account or issuance of NTN, respectively. The Commission to the extent of this appeal is of the view that the appellant has desired irrelevant information from the office of Press Registrar. This appeal is not sustainable.

5. Appeal No. 923-02-2021 & Appeal No. 925-02-2021

In these appeals the appellant has requested the provision of the mandatory documents submitted by MS. Nighat Shaheen in the office of

the Press Registrar for the issuance of NOCs for the purpose of transferring of ownerships of daily “Aaj” from Peshawar and Abbottabad and daily “Akhbar-e-Sheher” from Peshawar.

The public body in its reply has apprised the Commission that cases between the appellant and MS. Nighat Shaheen are pending adjudication before the civil court and High Court, Peshawar. Be that as it may, the pendency of cases between the parties for their civil rights does not bar the rights of the citizens for the provision of the information/record under the Right of Access to Information Act, 2017.

6. Earlier this Commission has dealt with the identical issues in appeal Nos. 926-02-2021, 922-02-2021 and 924-02-2021 vide order dated 1.6.2021. The views of the Commission are reproduced here under. The same may be read as an integral part of this order.
7. The questions for the consideration of the commission are as under:
 - (a) Can application form and related mandatory submitted to a public body for transfer of the declaration of newspapers be disclosed without compromising right to privacy of the applicant under the Right of Access to Information Act 2017, henceforth referred to as Act? and
 - (b) How can record be verified which has not been generated by a public body?
8. This commission is of the view that any application form and mandatory documents submitted for the transfer of ownership of newspapers is a matter of public importance as these documents relate to the regulation of public good. That is why Section 5 (1) (e) of the Act requires every public body to proactively disclose “particulars about the recipients of any concession, permit, licence or authorization granted by a public body”.
9. The constitutional right of access to information in matters of public importance encompasses information pertaining to those who are licensed to provide information to citizens about matters of public importance because each media organisation has a certain Page 3 of 4 world view, an ideology which it ends up preaching to the citizens while providing information.
10. No matter how hard a media organisation may try to be objective, the form and content of information provided by the media organisations is shaped by the world view and ideology of media organisation. Furthermore, it is a common knowledge that the media performs an extremely critical task of shaping opinions of the masses. Therefore, citizens have every right to know about the media organisations so that they could know what is the narrative of those who are trying to shape their narrative.
11. This commission holds that the Right of Access to Information Act 2017 makes allowance for severing parts of records containing personal

information and sharing the rest with the public. In the instant appeal, the requested information can be shared with the Appellant without compromising legitimate privacy interests of the applicant. While providing the requested information, personal information such as health condition, bank account numbers, financial statements, phone numbers, addresses and CNICs details can be withheld.

12. This commission also holds that copies of educational documents submitted to a public body as a qualificational requirement cannot be treated as personal information for these documents shed light on the eligibility of an applicant for any “concession, permit, licence or authorization granted by a public body”.

13. This commission is of the view that a public body cannot deny access to records/information because parts of records/information of the requested information fall within the scope of exceptions mentioned in Section 16 of the Act. Under Section 16(1) (i) of the Act, federal public bodies are required to sever part/information which comes within the scope of the exceptions and the rest should be made available to the applicants.

14. With regard to the verification of the application form and the mandatory documents, the public body needs to only verify that it is providing true copies of the application form and mandatory documents as submitted by the applicant and available on the record.

D. ORDER.

15. The appeals Nos. 923-02-2021 & 925-02-2021 are allowed. The Public Information Officer, Office of the Press Registrar is directed to provide the appellant the information/record requested in both the appeal after severing the personal information i.e. bank account numbers, financial statements, phone numbers, address, CNIC or any other information that may affect the private privacy of the appellant or his family, forthwith but not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 26.7.2021

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