

**PUNJAB INFORMATION COMMISSION
LAHORE**

Mr. Zahid Abdullah (the Complainant)
H. 370, St. 75, E-11/3, Islamabad

Vs.

Secretary Information, Civil Secretariat, Lahore (the Respondent)

A. The Complaint

1. The Complainant sent a complaint to the Commission on June 18, 2014, alleging that the Respondent had not responded to his application for access to information within the time period specified in the Punjab Transparency and Right to Information Act 2013 (the Act). The information sought by the Complainant, through his application dated 06/01/2014 is as follows:

“1. List of advertisements issued by the Information, Culture & Youth Affairs Department to print media from July 01, 2013 to December 31, 2013.

2. Total funds released for advertisements to print media by Information, Culture & Youth Affairs Department from July 01, 2013 to December 31, 2013.

3. Criteria of advertisements to print media by Information, Culture & Youth Affairs Department”.

B. Proceedings

2. Through a letter dated 06/08/2014, the Commission called upon the Respondent to redress the grievance or explain the reasons, including rebuttal if any, of alleged non-response or delay in deciding the matter. However, no response was received. The Commission also sent a reminder to the Respondent on 03/12/2014, whereby he was again called upon to either immediately provide the requested information to the complainant or explain the reasons of not doing so until 15/12/2014. Yet again, no response was received.

C. Discussion and Commission’s View on Relevant Issues

3. As per section 10 & section 11 of the Act and the Rules notified thereunder, it was a responsibility of the Respondent to transfer the application to the relevant public information officer (PIO) designated for the Information, Culture and Youth Affairs Department. However, the application was apparently never acknowledged in accordance with section 10(1) of the Act; nor was the

Commission ever informed whether the instant application had been transferred to a PIO designated u/s 7 of the Act. In this situation, the Respondent is to be considered a deemed PIO in accordance with section 11 of the Act, read with Rule 3(4) & Rule 6(2) of the Punjab Transparency and Right to Information Rules 2014.

4. The Commission notes it with concern that the Respondent didn't respond to letters issued by the Commission in relation to the instant complaint, nor was the application submitted by the complainant decided within the time period prescribed in section 10 of the Act. This kind of non-responsive attitude is in violation of explicit and mandatory provisions of the Act. Being an administrative department of the Commission, the Information Department is expected to set high standards of implementation of the Act and then support the work and initiatives of the Commission involving other public bodies. As of now, the Information department has not only delayed, for too long, decisions on information requests that it received but has also not given due attention to implementation of section 4 & 8 of the Act. In this regard, it may be noted that the department has not yet established its website, which is an important media for sharing information and which is now a legal requirement in view of section 4 and section 8 of the Act, and the Rules made thereunder.

5. The information being sought relates to the use of public funds on advertisements published in print media. Disclosure of requested information is not likely to harm privacy or security of persons involved. Other exceptions provided in the Act also seem to be of no relevance to the information being sought. The Commission, therefore, holds that the requested information is not hit by any of the exceptions u/s 13 of the Act and, therefore, it must be provided to the Complainant without further delay. In fact, most of the information sought by the complainant (e.g. about expenditures, etc.) is covered by section 4 of the Act, which should be proactively disclosed through websites or other appropriate media.

D. Order

6. The complaint is allowed. In exercise of its powers u/s 6(1)(a) of the Act, the Commission directs the Respondent to provide the requested information to the Complainant as soon as possible but not later than 13/07/2015, and submit a compliance report to the Commission. Furthermore, the Respondent must take immediate steps to proactively disclose maximum information about advertisements and media campaigns released by or through the Information and Culture Department by regularly posting it on the website and notice-boards.

7. The Respondent is also directed to take immediate steps to fulfill his responsibilities under, *inter alia*, sections 4, 7, 8 & 10 of the Act, especially in terms of computerization of records, setting up a website, and publicizing contact details of designated public information officers.

8. The Respondent is further directed to ensure that any pending or future applications under the Act are efficiently acknowledged for their receipt and are decided upon in accordance with section 10 of the Act.

9. Copy of this order may be may be sent to the Complainant for information.

Announced on:
01/07/2015

(Mazhar Hussain Minhas)
Chief Information Commissioner

(Mukhtar Ahmad Ali)
Information Commissioner

(Ahmad Raza Tahir)
Information Commissioner