

**Punjab Information Commission,
Government of Punjab,
Lahore.**

**Complaint dated 13-10-2014 filed by Mr. Faiz-ul-Basit,
Additional Secretary, Provincial Assembly of Punjab.**

Order

Mr. Faiz-ul-Basit Additional Secretary (B & A)/DDO, Punjab Provincial Assembly, here-in-after called complainant, on 28-07-2014 moved application to the Senior Secretary, Provincial Assembly Punjab, here-in-after called the respondent, to provide the following documents pertaining to the promotion of Hafiz Muhammad Shafique Adil, Special Secretary Provincial Assembly Punjab...

- i. Copy of the notification/order of promotion.
- ii. Copy of working paper.
- iii. Copy of the minutes of the DPC meeting.
- iv. Grounds/Reasons of his supersession.

2. His request was partly allowed vide letter no. PAP/Estb/E-705/4301 dated 27th August 2014 issued by Deputy Secretary (Admn) and copy of promotion notification was issued. However, copies of working paper and minutes of DPC meeting were not issued on the ground that the same were classified and privileged documents in terms

of 13 of The Punjab Transparency and Right to Information Act, 2013.

3. Feeling dissatisfied, the complainant filed internal review under section 12 of the Act *ibid* before the respondent, which was disallowed vide letter No. PAP/Estb/E-705/4941 dated 23rd September 2014 issued by Deputy Secretary (Admn). Hence, he has approached Punjab Information Commission through instant complaint.
4. In response to the notice issued by Information Commission, the respondent has submitted para-wise comments reiterating his earlier position that the working paper as well as the minutes of DPC meeting are classified and privileged documents and are exempt from disclosure in terms of section 13 read with section 24 of the Act *ibid*. Issuance of copies of appointment order of Mr. Muhammad Shafique Adil , as junior clerk and his matriculation certificate, requested for in the instant complaint, has been opposed on the ground that the request has not been made to the Public Information Officer for obtaining these documents.
5. Main issue involved in this case is as to whether working paper and minutes of the Departmental Promotion Committee are classified and privileged documents, or not.

Prior to the enactment of the Punjab Transparency and Right to Information Act, 2013, a person was not entitled to have access to any public information unless it was specifically allowed by the competent authority, but through the Act *ibid* position has entirely changed. Now there is nothing confidential or secret from the public who are owner of every information and a citizen of Pakistan can have access to any public information unless it is exempt under section 13 of the Act *ibid*.

Section 2(f) of the Act defines "Information" as any information held by a public body and includes any memo, book, design, map, contract, representation, pamphlet, brochure, order, notification, document, plans, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine readable documents, and any other documentary material regardless of its physical form or characteristics.

The working paper as well as the minutes of the meeting of DPC are recorded in due process of law and are fully covered by the definition of "information" reproduced above and are not hit by any of the exceptions contained in section 13 of the Act *ibid*. Under section 24 the provisions of this Act have precedence over the provisions of all other laws, therefore, even if the documents in question have been declared classified in any other law, that prohibition is of no legal effect.

The Information Commission is of the view that plea taken by the respondent for refusing complainant's request is not tenable, and is against transparency and freedom of information which is the basic object of this law.

6. As regards the request for the copies of matriculate certificate of Mr. Muhammad Shafique Adil submitted at the time of his appointment as junior clerk, the complainant did not seek this document from the PIO in original application, but the respondent being head of the public body may issue orders for issuance of this document which is part of the record. Complainant's request should not be refused on this hyper technical ground.

The complaint is accordingly disposed off with a direction to the respondent to provide the requisite information to the complainant within seven days of receipt of this order

under intimation to the Information Commission. Copies of order be sent to the parties for information and compliance.

Announced on
21st November, 2014

Chief Information Commissioner,
Punjab Information Commission,
Lahore.