

**PUNJAB INFORMATION COMMISSION
LAHORE**

Mr. Abdul Waseem Abbasi (the Complainant)

Vs.

Principal Secretary, Chief Minister Secretariat, Lahore (the Respondent)

A. The Complaint

1. The Complainant sent three complaints to the Commission, one on December 31, 2014 and two on January 21, 2015, alleging that the Respondent had not responded to his applications 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 applications dated 18/0/2014 and 28/10/2014, is as follows:

First Application, dated 18/09/2014:

“1. Certified information about month wise expenditures of Chief Minister House from August 1, 2013 to August 31, 2014.

2. Certified information about month wise expenditure of bakery items procured for Chief Minister House from August 1, 2013 to August 31, 2014 (different bakery items and expenditures incurred).

3. Certified information about gifts/ presents given by Chief Minister to people from August 1, 2013 to August 31, 2014 (name/ description of the gift/presents, price and name of the individual each present was given to by the Chief Minister).”

Second Application, dated 28/10/2014:

“1. Certified information about the number of flights taken by the official helicopter of the Chief Minister of the Punjab from 1 July 2013 to 1st October 2014.

2. The expenses incurred on fuel of the official helicopter of the Chief Minister during the period from 1 July 2013 to October 1, 2014;

3. List of passengers who travelled on Chief Minister’s official helicopter during the above mentioned period along-with their portfolios and designations.”

Third Application, dated 28/10/2014:

“1. Certified information about the number of official overseas visits of Chief Minister Punjab Mr. Shahbaz Sharif from July 1, 2013 to October 1, 2014.

2. Details of overseas visits by the Chief Minister Punjab during the above mentioned period along with the expenses incurred on each visit.”

B. Proceedings

2. Through letters dated 23/01/2015, 18/02/2015 and 19/02/2015, the Commission called upon the Respondent to either immediately provide the requested information to the complainant or explain the reasons, including rebuttal if any, of alleged non-response or delay in deciding the matter. However, no response was received. In respect of the first application dated 18/09/2014, the Commission also sent a reminder to the Respondent on 18/02/2015 whereby he was again called upon to provide the requested information to the complainant or explain the reasons of not doing so until 27/02/2015. Through this reminder, he was also called upon to designate public information officer u/s 7 of the Act for the Chief Minister Secretariat and establish a mechanism to efficiently respond to all pending or future information requests received under the Act. 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 acknowledge the receipt of applications and then transfer them to the relevant designated public information officer (PIO) for the Chief Minister Secretariat. However, the applications were apparently never acknowledged. It also seems that the Respondent, for being the administrative head of the Chief Minister’s Secretariat, hasn’t yet designated any officer as a PIO; or at least the Commission has not yet been informed about it. Nor did the Respondent ever inform the Commission, despite letters and a reminder, whether the instant applications had been transferred to a designated PIO, if at all an officer had already been designated as a PIO u/s 7 of the Act. In this situation, the Respondent is to be considered a deemed PIO, as per the principles set in earlier decisions of the Commission and Rules 3(4) & 6(2) of the Punjab Transparency and Right to Information Rules 2014.

4. The Respondent also didn’t respond to letters and reminders issued by the Commission in relation to the instant complaints and for designation of public information officer u/s 7 of the Act. Nor were the applications submitted by the complainant decided within the time period prescribed in section 10 of the Act. The persistence of this kind of disregard or non-responsive attitude on part of the highest executive office of the province can seriously erode public confidence in the Commission and the usefulness of the Act, which has otherwise been rated very high in view of its promise of maximum transparency and access to information. If the Chief Minister Secretariat does not diligently implement the

Act in relation to its own functions, it is almost certain that other departments and offices would also disregard it. It is, therefore, of paramount important that the Chief Minister Secretariat gives high priority to the implementation of Act not just in relation to its own functions but also regarding all other public bodies in the province. The Act became possible because of the vision of the current political leadership, which recognized the importance of transparency and right to information for peoples' empowerment and accountable governance. However, any lapses in implementation, especially on the part of highest offices, would render the Act ineffective and would deprive the citizens of their fundamental right to information.

5. The requested information is generally about the use of public funds and resources, or about the past travel related to the official work being performed by the Chief Minister. As the information being sought relates to past travels or transactions and about official work involving use of public funds, it is not likely to be hit by the considerations of privacy or security of persons. 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, some of the information sought by the complainant (e.g. about expenditures, etc.) is already covered by section 4 of the Act, which is about proactive disclosure.

D. Order

6. The complaints are allowed. The Respondent is directed to provide all the requested information to the Complainant as soon as possible but not later than 16/03/2015, and submit a compliance report to the Commission.

7. The Respondent is directed to take immediate steps to fulfill his responsibilities under, *inter alia*, sections 4, 7, 8 & 10 of the Act, especially in terms of designating one or more public information officers for the Chief Minister Secretariat and putting up their contact details on the website.

8. The Respondent is also directed to ensure that any pending or future applications under the Act are efficiently acknowledged for their receipt and are decided upon or transferred, as required u/s 10 or 11 of the Act.

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

(Mukhtar Ahmad Ali)
Information Commissioner
Lahore

Announced on:
04/03/ 2015