

**PUNJAB INFORMATION COMMISSION
LAHORE**

Ms. Asbah Ahmad (the Complainant)

Vs.

Director General, Punjab Judicial Academy, Lahore (the Respondent)

ORDER:

The Complainant submitted a complaint to the Commission on 5/08/2015 alleging that the Respondent had not provided her the requested information within the time period specified in section 10(7) of the Punjab Transparency and Right to Information Act 2013. The information sought by the Complainant, through her application dated 06/06/2015, is as follows:

1. Certified copy of summary dated 09-07-2009 approved by the Chairperson of Punjab Judicial Academy for recruitment of staff.
2. Certified copy of written test marks of all the assistants appointed vide summary dated 09-07-2009.
3. Certified copy of date of issuance of the medical certificate of the assistants appointed vide summary dated 09-07-2009.
4. Certified copy of dates of joining of the assistants appointed vide summary dated 09-07-2009.
5. Certified copy of seniority list of the assistants.
6. Certified copy of notification and proceeding at noting pages for the current charge of the Assistant to the post of Assistant Director (Admn.).
7. Certified copy of notification and proceeding at noting pages for the acting charge of the Assistant to the post of Assistant Director (Admn.).
8. Certified copy of Rules on the basis of which the said promotion is made.
9. Certified copy of the title of file on which proceeding regarding current charge and acting charge to the post of Assistant Director is taken.
10. Certified copy of grievance petitions on the said promotion filed by any employee working in Punjab Judicial Academy. Whether the

decision taken was conveyed to the said employee? What was the mode to convey? Provide a copy of the orders/ decision?

11. Also provide copies of noting proceedings on the said grievance petitions separately.

12. On which date Service Rules of Punjab Judicial Academy were approved by the Chairperson? Provide a certified copy of the Punjab Judicial Academy Service Rules.

2. Through a letter dated 02/09/2015, the Commission called upon the Respondent to either transfer the application/ letter to the relevant Public Information Officer (PIO), or decide it himself for being a deemed PIO (i.e. if no PIO has been designated). Through a letter dated 14-09-2015, the Respondent acknowledged that a request for access to information had been received from the complainant but pointed out that the application didn't disclose any address. He further stated that the PIO had tried to contact the complainant on her given phone number but she could not be contacted, nor did she herself contact the Respondent or the PIO. Furthermore, it was argued that the complainant has no *locus standi* to receive the requested information, as it was related to the services of employees and internal establishment of the Academy. Following this response, the Commission itself contacted the Complainant and obtained her address, which was communicated to the Respondent. The Commission also asked the designated PIO of the Academy to appear for hearing at 12PM on 01/10/2015.

3. During the hearing, the PIO raised the issues of *locus standi* of the complainant and that the requested information is about the internal functions of the Academy. He was, however, informed that any citizen can file an application for access to information and that public bodies have been barred from requiring the applicants to provide reasons for request for information under section 10(3) of the Act. Therefore, the question of *locus standi* is not relevant in the context of applications filed under the Act. Similarly, the Commission pointed out that information can be withheld only if its disclosure is likely to cause harm to any of the interests protected under section 13 of the Act. The Commission also examined the application of the complainant in the presence of the PIO and, after considering the points raised by him, held that the information sought is not exempt under section 13 of the Act. The PIO assured the Commission that its directions regarding the complaint will be implemented in letter and spirit.

4. The complaint is allowed. The Respondent and the PIO are directed to provide all the requested information to the Complainant as soon as possible but not later than 23/10/2015, and submit a compliance report to the Commission. A copy of this order may be sent to the Complainant for information.

Announced on:
13/10/2015

(Ahmad Raza Tahir)
Information Commissioner

(Mazhar Hussain Minhas)
Chief Information Commissioner

(Mukhtar Ahmad Ali)
Information Commissioner