ORDER
THE PUNJAB INFORMATION COMMISSION

Complaint No.18-10-2024-1/2

Amir Shahzad

VS

CO District Council Sargodha

Subject: **RTI Complaint Regarding Non-Provision of Public Information under the Punjab Transparency and Right to Information Act 2013**

12.06.2025 None present.

2. Through two RTI Applications both dated 28.09.2024, the complainant sought record regarding conversion fee as well as Form B, B-2, D ,D-1 alongwith relevant bank's covering letter and Form H of Housing Colony viz, Makkah City , Tehsil Bhalwal District Sargodha. Aggrieved by lack of any response by the respondent public body, the complainant filed instant complaint on 18.10.2024 before this Commission, upon which notice was issued the same day to the respondent public body. Chief Officer of respondent public body through letter dated 27.11.2024 intimated this Commission that record regarding conversion/ condonation fee lies with revenue department and respondent public body is not custodian of the same. Regarding the remaining record, the said CO claimed that the same is exempted from disclosure u/s 13(1)(b) (c) &(d) of Punjab Transparency &Right to Information Act, 2013 ("RTI Act, 2013"). PIO of respondent public body was summoned by this Commission to argue the claim of exemption raised in aforestated letter dated 27.11.2024, however neither PIO nor the said CO District Council Sargodha appeared on consecutive four (04) dates of hearing, compelling this Commission to resort to penal proceeding under RTI Act, 2013. Since no PIO of respondent public body has yet been notified for respondent public body and the stance of the respondent public body was conveyed to this Commission by CO, hence the said CO was deemed to be PIO under Rule 3(4) of Punjab Transparency & Right to Information Rules, 2014 ("RTI Rules, 2014") and Show Cause

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him on 06.02.2025, who did not appear before this Commission on 04.03.2025 as was required in the Show Cause Notice. Since then, this complaint was fixed for hearing six (06) times and CO was repeatedly reminded by this Commission to file his reply. Consequent to his lack of response, ex parte proceedings were initiated against him on last date of hearing. During pendency of this complaint, this Commission received letter dated 18.01.2025 in which CO respondent public body has reiterated his previous claim of exemption from disclosure. The said CO of District Council Sargodha through two letters bearing No. Do(P)/DC/SGD 91 and Do(P)/DC/SGD 92 both dated 24.02.2025 took contradictory stances inasmuch as in letter No. 91 he referred to his earlier stance mentioned in letter dated 27.11.2024 i.e claiming exception u/s 13 of RTI Act 2013 but on the other hand in letter No. 92 he requires the complainant to pay the prescribed fee for provision of record. He neither explained how the provisions of Section 13 (1)(b) (c) and (d) are attracted or why first twenty (20) pages of the information have not been dispatched to the complainant free of cost as per schedule of costs notified by this Commission. Above facts and circumstances require this Commission to decide this complaint as well as Show Cause Notice issued to Mr. Asad Hariya CO District Council Sargodha, both of which are being decided through this order.

3. As for the claim of exception, only reason provided by respondent public body is that the complainant, having no nexus with affairs of the aforesaid Housing Scheme, is an irrelevant person and hence record regarding the said scheme cannot be released to him. The aforesaid stance is contradicted by the express provision of Section 10(3) of RTI Act, 2013 which prescribed that no reason for acquisition of any record is required to be disclosed by any complainant. The aforesaid provisions read as under;

10(3) An applicant shall not be required to provide reasons for request for information and shall only be required to provide an

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adequate description of the information and the details necessary to provide the requisite information.

Nowhere in RTI Act, 2013 or Rules framed under the same, any condition supporting version of the respondent public body is prescribed, rather the aforesaid law makes it clear that any citizen of Pakistan can seek any information held by any public body. The only limitation upon disclosure of any information is if any of the scenarios prescribed in Section 13 are attracted. Clauses of Section 13 relied upon by respondent public body in its replies i.e Section 13(1)(b)(c) and (d) provides as under;

13(1) A public information officer may refuse an application for access to information where disclosure of the information shall or is likely to cause harm to-

(b) a legitimate privacy interest, unless the person concerned has consented to disclosure of the information.

(c) the protection of legally privileged information or of the rules relating to breach of confidence.

(d) the legitimate commercial interests of a public body or a third party including information subject to third party intellectual property rights.

4. Respondent public body has not been able to identify how any legitimate privacy interest of any person, legitimate commercial interest of respondent public body or any third party is likely to be harmed if the information pointed out by the complainant is released or what is the legal privilege attached to the said information. This Commission is of the view that information sought by the complainant does not fall in any of the exceptions provided in Section 13 of RTI Act, 2013 and hence claim of respondent public body is rejected. This complaint is partially allowed and respondent public body is directed to provided certified copies of the record. i.e Form B, B-2, D ,D-1 alongwith relevant bank's covering letter and

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Form H of Housing Colony viz, Makkah City , Tehsil Bhalwal District Sargodha to the complainant within seven (07) days of this order under intimation to this Commission.

5. The conduct of Mr Asad Hariya, sufficiently establishes that he being PIO under rule 3(4) of RTI Rules, 2014 has deliberately withheld information. He was under statutory obligation to provide requisite information to the complainant within maximum 14 days of RTI Application as provided in Section 10(7) of RTI Act, 2013. However, despite passing of about nine months , he has failed to discharge his aforesaid duty. Hence, upon perusal of the record available with this Commission, this Commission is of the view that charge of failure to provide information within time limit and malafidely denying release of information is established against him. He was provided with sufficient opportunity to defend himself but his response is not forthcoming. Consequently, penalty of fine of Rs 50,000/- (Fifty Thousand Rupees) is imposed on him as provided under Section 15 of RTI Act, 2013. The said amount shall be deducted from his salary and for this purpose copy of this order shall be sent to District Account Office Sargodha as well as Accountant General of Punjab.

6. Copy of this order shall also be sent to Secretary Local Government & Community Development Department Punjab for information.

(Bushra Saqib)
Information Commissioner

(Muhammad Malik Bhulla)
Chief Information Commissioner

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