ANNUAL REPORT 2024/25

Punjab Information Comission

A Regulatory Body on the Implementation of the Punjab Transparency & Right of Information Act 2013

ANNUAL REPORT 2024/25

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Foreword



Ms. Bushra Saqib
Information Commissioner



Muhammad Malik Bhulla
Chief Information Commissioner

It is my privilege to present Annual Report of the Punjab Information Commission (PIC) for the year 2024/25. Annual Report, which is mandatory requirement under section 6 (7) of the Punjab Transparency & Right to Information Act, 2013 ("RTI Act 2013"), provides an overview of the activities undertaken during the period under review, giving an insight into the extent of transparency, accountability and access to information brought about by the RTI Act 2013 in the functioning of public bodies in the Province of Punjab.

During this reporting period the Commission registered a total of **5613 RTI Complaints** successfully resolving **5004 Complaints**. Meanwhile efforts were also made for awareness through campaigns as well as extensive training sessions of Public Information Officers (PIOs) aimed at timely disposal of RTI Applications/Complaints.

Punjab Information Commission's vision is to establish a culture of transparency, accountability and informed citizenry by ensuring freedom of information/access to information in all matters of public importance.

Implementation Status of Right to Information Law

Pro-Active Disclosure u/s 4 of RTI Act 2013:

The core object of RTI Act 2013 is pro-active disclosure of key information of public bodies. Pursuant to the said object of RTI Law, a mass drive for implementation of Proactive Disclosure by public bodies through official websites was launched by the Commission during the period under report. The Commission has throughout been imploring upon the authorities of almost all public bodies in its countless orders passed to dispose of RTI Complaints to make compliance of their statutory obligation of pro-active disclosure. In addition, comprehensive directions in this regard were also circulated to all HODs of public bodies.

Training of Public Information Officers (PIOs):

Section 6 of RTI Act 2013 creates a statutory obligation for the Commission to facilitate implementation of provisions of this Act and conduct training of Public Information Officers (PIOs) and undertake mass awareness campaigns to create awareness about the Act, rules and regulations. The Commission being conscious of said responsibility conducted training of about 250 PIOs of different public bodies. The exercise did pay dividends as due to consistent efforts of PIC, Punjab excels better than other provinces in terms of number of public bodies which have completely or partially implemented pro-active disclosure through official websites u/s 4 of RTI Act 2013.

Procedure for filling RTI Application to Public Body

As explained in the Punjab Transparency and Right to Information Act, 2013 an applicant may submit an application to public information officer of a public body on an information request form or on plain paper and PIO shall acknowledge the receipt of the application. It is also responsibility of a public body to make easily available the information requested either in printed or electronic form depending upon the mode of provision indicated by applicant.

An applicant is not required to provide reasons for request for information and shall only be required to provide an adequate description of the information and the details necessary to provide the requisite information. If an applicant is having difficulty in making a request, because he/she cannot describe the information in sufficient detail or because he/she is disabled or illiterate, the concerned public information officer shall provide reasonable assistance to the applicant.

Important

Public information officer shall respond to an application as soon as possible and in any case **within fourteen working days**, provided that this may be extended for a maximum of further fourteen working days where this is necessary, for reasons such like that the request requires a search through a large number of records or consultation with a third party or any other public body. But the public information officer shall provide the information relating to life or liberty of a person within two working days of the receipt of the application and where the public information officer decides not to provide the information, he shall intimate to the applicant the reasons for such decision along with a statement that the applicant may file an internal review or a complaint against the refusal under this RTI Act, 2013.

Certification

The information, or copy of any public record supplied to the applicant shall contain a certificate at the foot that the information is correct and the copy is a true copy of such public record and such certificate shall be **dated**, **signed** and **stamped** by the **public information officer**.



Procedure for filling RTI Complaint to the Commission

An applicant may file a complaint to the Commission against the decision, attitude or non-responsiveness of the public information officer or the officer responsible for internal review in relation to what the applicant regards as involving;

a) A failure by the concerned officer to comply with any provision of the Act including failure to communicate decision within the specified time;
b) Unreasonable behavior of the concerned officer in the performance of functions under the Act;
c) Provision of incomplete, misleading or false information or
d) Any other matter relating to access to information.

APPLICANT may file a complaint on a plain paper or on a simplified sample format prescribed by the Commission, and, the applicant shall certify that he had not already or concurrently filed any application, complaint or suit before any other forum or court.

COMMISSION shall not charge any fee for filing or processing the complaint.

After the receipt of a complaint, the Commission may;

a) Seek explanation from the public information officer or from any other concerned officer by affording him reasonable time and opportunity to be heard through the most efficient means of communication available; and
b) Contact, if necessary, the complainant to seeks further information or his comments on the response of the public information officer or any other concerned officer.

Right to Information Law Development in Punjab

The Punjab Transparency & Right to Information Act, 2013 was passed by the provincial legislature with the objective of ensuring that citizens have improved access to public information, to make the Government more accountable to citizens and to enforce the fundamental right of access to information in all matters of public importance.

Under 18th amendment of the Constitution, it is mandatory for all provinces to pass and implement right to information law. This was a historic legislative step which equips citizens with information and for holding public bodies accountable. This law places crucial duties and responsibilities on the designated Public Information Officers (PIOs) to serve as the lynch pin between the public and their respective government institutions for processing citizens request for information sought under RTI law.

Punjab Information Commission established u/s 5 of the Punjab Transparency & Right to Information Act, 2013 is a special institution headed by Chief Information Commissioner and consisting of two Information Commissioners. Primary responsibility of Commission is to ensure that complaints of citizens are processed within timeline by the public bodies. If the citizens file any complaint against public body, the Commission after affording an opportunity to PIO of public body takes a decision. The Commission is also tasked with creating awareness and to ensure that public bodies proactively disclose basic information with regard to their functions and responsibilities.

Organizational Structure

Govt of the Punjab has sanctioned the creation of following posts for the establishment of Punjab Information Commission;

Name of Post	No of Posts
Chief Information Commissioner	01
Information Commissioner	02
Executive Director (BS-19)	01
Deputy Director (Admn & Finance) BS-18	01
Deputy Director (Programme) BS-18	01
MIS Manager (BS-18)	01
Assistant Director (Law & Complaints) BS-17	01
Assistant Director (Research & Publication) BS-17	01
Assistant Director (Awareness & Training) BS-17	01
Webmaster BS-17	01
Network Administrator BS-17	01
Superintendent BS-17	01
Private Secretary BS=17	03
Assistant (BS-16)	05
Accountant (BS-15)	01
Stenographer BS-14	05
Data Entry Operator (BS-12)	03
Junior Clerk BS-11	01
Drivers BS-4	01
Dispatch Rider BS-4	01
Naib Qasid BS-1	04
Chowkidar BS-1	01
Sweeper BS-1	01
Total Sanction Strength	**39**

Available Human Resource

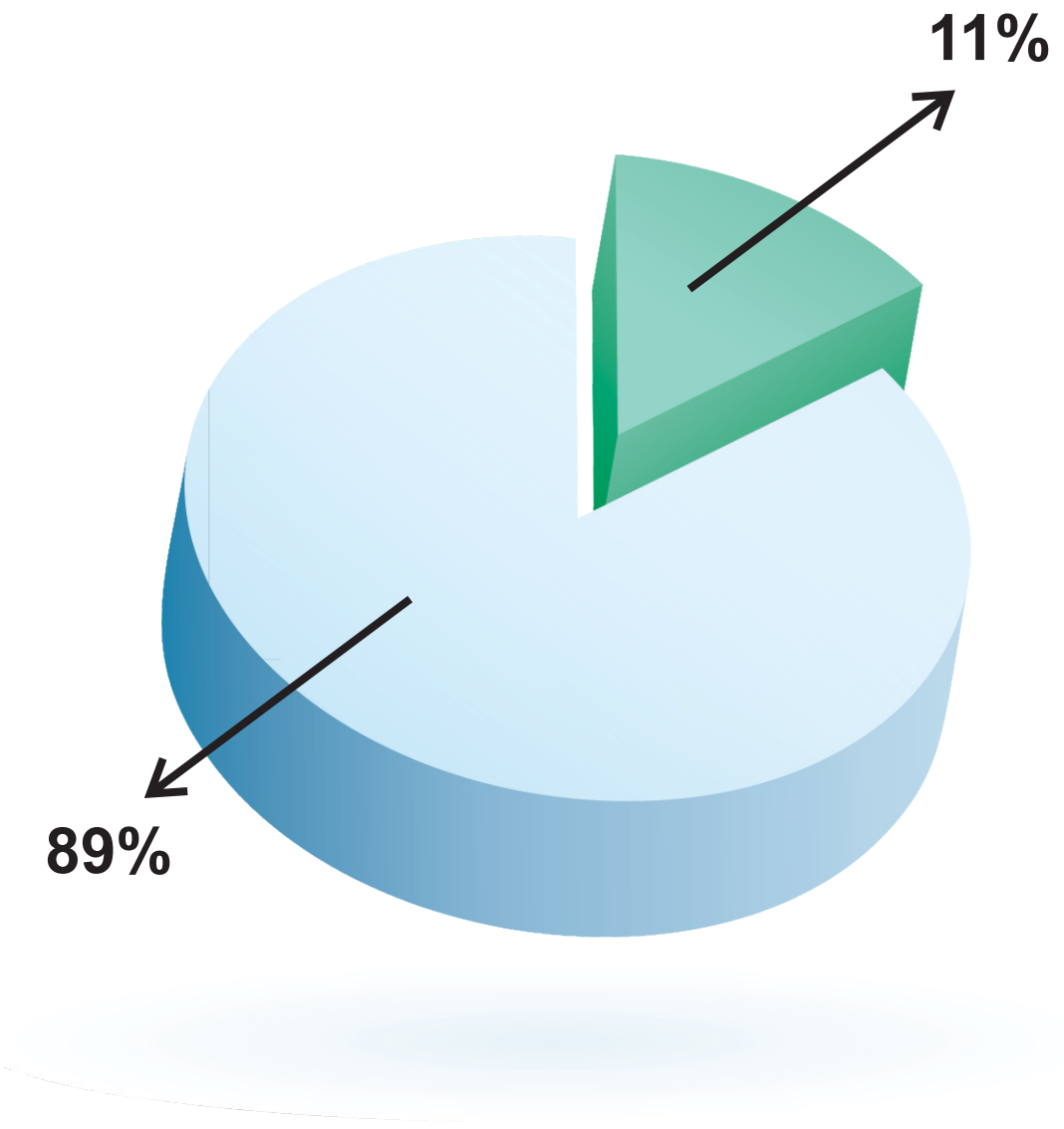
Assistant BS-16	3
Accountant BS-15	1
Data Entry Operator BS-12	1
Supporting Staff	9
Total	**14**

Month wise Complaints & Disposal

Months	Filed	Disposed
June	382	323
July	770	404
August	664	842
September	472	439
October	394	560
November	352	439
December	422	355
January	467	336
February	318	347
March	381	210
April	431	328
May	280	305
June	280	116
Total	**5613**	**5004**

Overall Statistical Data

Total Complaint	Solved	In Process
5613	5004	609
	89%	11%



Annual Reports of Public Bodies

Sec-9 of RTI Act, 2013 provides that a public body shall publish its Annual Report of implementation of RTI Act, 2013 during the previous financial year by 31st August each year and make the report available for public inspection. Strict compliance of this provision ensures effective & efficient implementation of RTI law facilitating access to information.

Commission kept on pursing public bodies to prepare their Annual Reports as part of their statutory liabilities and our efforts led to submission of about 100 Annual Report of different public bodies.

The list of Annual Reports of public bodies recived by the end of financial year 2024/25 is as follows;

Name of Department	Name & Contact No of PIO		No. of RTI Application received	No. of RTI Complaint for hearing
Management & Professional Development Department	Touqeer Ahmad 03477481792		03	03
Law & Parliamentary Affairs Department	Aitzaz Aslam Marth 03335543433		06	03
Governor Secretariat	Muhammad Ali Admn Wing	99200023	19	02
	Muhammad Ghulam Hussain Section Officer Uni-III	99203166	21	0
	Habib ur Rehman MSG/Household Wing	9920029	02	01
Irrigation Department	1. Additional Secretary (Admn) 99212119 2. Adnan Hassan 99213213		154	34

	3. Ms. Zoha Aziz		
Special Education Department	Raza Iqbal 03008044905	23	03
Zakat & Usher Department	Muhammad Munir Section Officer (Z&U)	01	01
Health & Population Department	Ahmad Javed Khan 03008479414	07	02
Punjab Information Technology Board	Rizwan Ahmad 03023384507	10	02
Punjab Judicial Academy	Mahmood Azam	09	05
Emergency Service Department	Ms. Deeba Shahnaz Akhtar Mr. Farooq Ahma d 03337126486	29	06
Mines & Minerals Department	Rashid Latif 04299206595	05	0
Communication & Works Department	Section Officer (B-III)	12	0
Energy Department	Abdul Ghaffar SO (Budget)	5	4
Agriculture Department	Muhammad Iqbal 99200518	8	03
Regulation Wing S&GAD	M. Arshad Ch 03445324024	21	13
Punjab Social Protection Authority	M. Fayyaz Nazir 04299231758	1	1
Punjab Horticulture Authority Lahore	Ms. Reeham	26	23
Punjab Horticulture Authority Gujranwala	Ashfaq Sanaullah 03018483785	0	0
Punjab Horticulture Authority Rawalpindi	Waqar Ahmad 03115357938	9	2
Rawalpindi Development Authority	Hafiz Muhammad Irfan 03339218018	11	1
Multan Development Authority	Rashid Mehmood 03066988414	11	2
Punjab Healthcare Commission	Syed Mehran Shah 033284413155	47	25
Punjab Horticulture Authority Sahiwal	Director (Admn & Finance)	0	0
University of Punjab	Muhammad Danial Hisham 03334417586	190	5

University of Sargodha	M. Husnain 0489230570	27	13
University of Gujrat	Zain Nabi 0533643112	8	1
University of Agriculture Faisalabad	Jahanzaib Tariq 03217070103	25	9
Lahore College Women University	Saima Islam	11	3
Government College University Lahore	Atif Ikram 03214275883	24	14
Fatima Jinnah Medical University Rawalpindi	Saima Mushtaq	18	1
PMAS-Arid Agriculture University	Dr. Nadeem Ahmad Malik 03335119253	7	0
Board of Intermediate Secondary Education Rawalpindi	Arslan Ali Cheema 0515450912	109	4
Board of Intermediate Secondary Education Sargodha	Mansoor Arshad 03216042863	6	4
Board of Intermediate Secondary Education Sahiwal	Hamid Yasin 03444457093	1	0
Board of Intermediate Secondary Education Multan	M. Aslam Bhutta 03006302392	7	1
Board of Intermediate Secondary Education Gujranwala	Abdul Ghaffar 03344486374	4	0
Data Darbar Hospital Lahore	Ms. Nabila Barkat	9	9
District Food Controller Kasur	Zafar Iqbal 03234610446	0	0
District Council Sahiwal	Naseer Ahmad 03040841183	13	01
Punjab Overseas Pakistani Commission	Anzar Mehman 03334186971	02	01
Punjab Public Service Commission	Rehan Ahmad 03360067655	20	20
Deputy Commissioner Bhakkar	Sher Bahadur Superintendent 03457641531	3	0
Deputy Commissioner	Khalid Javed	6	3

Narowal	03007760765		
Deputy Commissioner Mianwali	Ansar Shiraz PRO 0459920142	3	0
Deputy Commissioner Faisalabad	Qaiser Javed Addl DC (Hdq) 0419200211	10	0
Municipal Committee Okara	Zahid Hussain 03007952865	6	4
Municipal Committee Chichawatni	Pervaiz Akhtar MO (R)	02	02
Chief Executive Officer DEA DG Khan	Mahmood Khan	0	0
District Sports Officer Sahiwal	Muhammad Ahmad 03013113119	0	0

ORDER
THE PUNJAB INFORMATION COMMISSION
64 Nursery lane Near China Chowk, Lahore, Punjab
File No 10-6-2024-60/61
Raja Razaq -
Vs
MS Lahore General Hospital Lahore

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

18.3.2025 Complainant in person.

Barrister Muhammad Arslan Nazir on behalf of respondent public body.

1. Complainant submits that he will be satisfied if certified copies of Medical Certificates of the employees who were invalidated/ incapacitated for further service and whose child or wife was employed under now repealed Rule 17-A of Punjab Civil Servants (Appointment & Condition of Service) Rules, 1974 are provided to him.

2. The Complainant first approached the respondent public body on 06.04.2024 seeking provision of information and later, being dismayed by inaction of the said public body, lodged a complaint with this Commission on 10.06.2024. Despite repeated orders of this Commission, the respondent public body evaded release of information on one pretext or the other resulting into imposition of penalty on the concerned officials vide order dated 08.10.2024. However, this Commission showing forbearance, did not execute the penalty and provided yet another opportunity to the respondent public body to fulfil

its statutory obligation. Legal advisor of the respondent public body appeared on 21.10.2024 and argued that the information could not be provided since the same is exempted from disclosure, this contention was dismissed the same day and the matter was adjourned to 05.11.2024. On this day the respondent public body submitted a letter stating that documents containing the requite information are enclosed. This Commission, acting under Rule 9(5)(b) of the Punjab Transparency and Right to Information Rules, 2014 ("RTI Rules, 2014") directed that the said documents be provided to the Complainant and adjourned the matter sine-die so that the Complainant may peruse the information provided and approach the Commission in case he has any objection regarding the same.

Rule 9(5) After receipt of a complaint, the Commission may:

(b) ***contact, if necessary, the complainant*** to seek further information **or his comments on the response of public information officer or any other concerned officer.**

3. On 04.03.2025, the Complainant filed his objections in which he not only stated that incomplete information was provided to him but also impressed upon this Commission to implement its order dated 08.10.2024. Upon notice, Barrister Arslan Nazir (who earlier filed his power of attorney as Counsel of respondent public body) appeared and stated that

he has been notified as Public Information Officer ("PIO) of the respondent public body and raised the following objections:

i) After passing of order dated 15.11.2024, the Commission has been functus officio and hence , is barred from proceeding any further in the matter.

ii) RTI Act, 2013 contains no provision allowing complainant to file any objection upon information provided by any respondent public body. Hence, his objection are not maintainable.

4. Arguments heard and record perused.

5. PIO of the respondent public body has neither contested the fact that incomplete information was provided to the Complainant and that too without apprising him or the Commission that the provided information lacks some sought information nor has claimed any exemption under Section 13 of RTI Act, 2013 regarding missing information. While providing information, PIO of respondent public body should have declared that some information is being withheld as he is required to do as pee Rule-5(11) of the Rules, 2014

Rule 5(11) If the requested information is denied or is partially provided or is provided after the prescribed time, the public information officers shall

(a) explain in sufficient detail the reason in writing to the applicant for total or partial denial or delay;

6. The question which requires an answer to decide upon both the objections is if RTI Act, 2013 and rules framed under the same allow a Complainant to object upon any information provided to him by a public body or the law has sealed his fate once any information, whether complete or incomplete, is released to him. Consequent moot point will be whether this Commission is empowered to peruse the information provided to any person seeking such provision and direct the providing public body to render complete and correct information .

7. The legislative intent behind enactment of the Punjab Transparency and Right to Information Act, 2013 ("RTI Act, 2013") reflecting in its preamble; and to ensure the realization of which this Commission is tasked, is *"to provide for transparency and freedom of information to ensure that citizens have improved access to public information; to make the Government more accountable to citizens; to enforce the fundamental right of access to information….."*. In order to perform its obligation i.e ensuring that all information [as defined in Section 2(f) of the RTI Act, 2013] is disseminated to the seeking citizens without any delay, this Commission is empowered to pass appropriate directions to the public bodies upon complaints filed by the citizens or even on its own i.e in case the Commission becomes aware of any dereliction of statutory duties by any public body, it can and rather must act, without waiting for a formal complaint and pass appropriate directions to the public bodies. Such

power and duty emanates from Section 6(1)(a) of RTI Act, 2013, which provides as under:

> **Functions of the Commission.-** (1) The Commission may-
>
> (a) conduct an inquiry, ***on its own accord*** or on a complaint, and may direct a public body to disclose information to an applicant or in a pro-active manner;

8. Not only that the Commission can seek comments of the Complainant upon reply submitted by the respondent public body [Rule 9(5) above] but it can also take notice of the incomplete provision of information under Section 6(1)(a). Furnishing incomplete information is mentioned as one of the grounds of lodging complaint with the Commission in Section 2(d) of RTI Act, 2013. Needless to state again that the Commission is bestowed with sufficient powers to take cognizance of any dereliction of the respondent public body, with or without any objection raised by the Complainant. Rendering incomplete information is one of the acts, commission of which invites imposition of penalty under Section 15 of RTI Act, 2013.

> **Section 2 (d) "complaint"** means a complaint made, in writing, to the Commission by an applicant on one or more of the following grounds:-
>
> (i) .....
>
> (ii) .....
>
> (iii) .....

(iv) *furnishing* false, misleading or *incomplete information;*

Section 15. Penalty on public information officer.–

Where a public information officer has, without any reasonable cause, refused to receive an application, has not furnished information within time limits, or *malafidely* denied the request or *knowingly gave* incorrect, *incomplete* or misleading *information*, the Commission may, after providing sufficient opportunity of defense to the public information officer, direct the public information officer to pay fine not exceeding two days 'salary for each day of delay or to pay fine which may extend to fifty thousand rupees.

9. Considering the above statutory position, the objections raised by the respondent public body are rejected.

10. Barrister Arsalan Nazir has submitted Notification dated 14.10.2024 issued by Medical Superintendent of the respondent public body notifying Dr. Aman Ullah (Director Legal BS-19) as PIO, and six others (including five legal advisors) as member PIO. Rule-3(2) of the Rules, 2014 enumerates in clear terms who can be appointed as PIO is the following manner:

A public Information Officer shall be an officer of the public body in BPS-16 or above or where an officer of BPS-16 or above is not available, any officer of the highest rank available in the

administrative unit shall be appointed as the public information officer.

11. It is expected that the above shall be considered by the MS of respondent public body and only persons mentioned at Serial No. 1, 2 & 3 in notified dated 14.10.2024 will be tasked with performance of duties as PIO under RTI Act, 2013.

12. It is directed that PIO of the respondent public body shall appear in person on the next date of hearing with certified copies of record containing information mentioned in Paragraph No.1 of this order, failing which this Commission shall be constrained to resort to penal provisions contained in RTI Act, 2013 in addition to exercising powers of learned Civil Courts [under Section 6(3)] for compelling attendance of delinquent official and production of relevant record.

13. Copy of this order shall be sent to MS Lahore General Hospital/respondent public body and it is expected that the matter shall be resolved by the incumbent MS of the respondent public body and need to sensitize the concerned Administrative Secretary or taking the aforesaid coercive or penal route shall not arise.

14. Adjourned for 10.4.2025.

(Muhammad Malik Bhulla)
Chief Information Commissioner

(Bushra Saqib)
Information Commissioner

(Shaukat Ali)
Information Commissioner

order

THE PUNJAB INFORMATION COMMISSION

Complaint No 25-4-2025-10

M. Dilawer

Vs

DG Anti -Corruption Lahore

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

02.06.2025 Complainant is not present.

Mrs. Samla Assistant Director on behalf of respondent public body.

2. Complainant through his RTI application dated 27.03.2025 has sought provision of eight (8) documents. Respondent public body/Anti-Corruption Establishment Lahore (ACE) has submitted its reply dated 13.05.2025 before this Commission stating that the documents sought at Serial Nos. (a) and (h) are not available in the record of ACE. Enclosed with the said reply are documents required by the complainant excluding the ones enumerated at Serial Nos.e, f and g, regarding which ACE, while stating that those pertain to final report in the matter wherein the case was dropped and was sent to the concerned department, expressed inability to provide the same relying upon Rule 10(6) of Punjab Anti-Corruption Rules 2014, which reads as under;

> 10(6) *Copies of final report of the cases dropped shall not be supplied to anyone without the prior permission in writing of the Director at the region and Director General at the Headquarters.*

3. While refusing to divulge the information sought by the complainant, it is not the case of ACE that the said information is

exempted from disclosure u/s 13 of Punjab Transparency & Right to Information Act 2013 ("RTI Act 2013") but only that the aforesaid Rule 10(6) prohibits such disclosure. Argument advanced by ACE is not supported by any of the provisions of RTI Act 2013, hence decision on this Complaint calls for evaluation of the effect of Rule 10(6) ibid. For the afore-stated purpose, questions such as inter-se operation and preferential effect of RTI Act, 2013 and ACE Rules, 2014 need to be evaluated.

4. ACE Rules, 2014 are executive pronouncement and were promulgated under the Punjab Anti-Corruption Establishment Ordinance, 1961, a statue enacted for the purpose of constitution of special agency for the investigation of certain offences, whereas RTI Act, 2013 is a legislative instrument, encoding will of legislature and provides a complete mechanism ,methodology and contours for exercise of constitutionally guaranteed right of access to information. Hence, not only that RTI Act 2013, being a special law on the subject of right of information takes precedence over ACE Rules, 2014 for the purposes of present complaint but also taking guidance from the jurisprudence settled by Hon'ble Lahore High Court in 2003 MLD 507 (Dr. Zahid Hussain Chohan Vs Islamia University Bahawalpur and others), this Commission is of the view that RTI Act, 2013 expressing will of the nation through their elected representatives forming legislature prevails over any contrary pronouncement contained in ACE Rules, 2014 framed by the executive. In the aforesaid judgment, it was held in unequivocal terms that "10.....*the Rules or the by-laws*

made under the statues or Act cannot override the provisions of other statue".

5. Section 24 of RTI Act, 2013 is a non-obstante clause which creates overriding effect of the provisions of RTI Act, 2013 over those of any other law. Additionally, sub-section 2 of Section 24 specifically blocks the operation of any limitation on release of information, if such limitation is contained in any law other than RTI Act, 2013;

> 24: Act to take precedence over other laws:
>
> (1) The provisions of this Act shall take precedence over the provisions of any other law.
>
> (2) An exception mentioned in Section 13 shall take precedence and any exception or limitation in any other law on right to information may not be construed to extend the scope of the exception in this Act, although such provision in other law may elaborate on the exception mentioned Section 13.

Not only that the Punjab Anti-Corruption ordinance, 1961 does not contain any such non-obstante provision but Section 8 of the said law specifically declares that the provisions contained therein shall not be construed so as to derogate from any other law; meaning there by that the provisions of ACE ordinance, 1961 shall not hinder effect of any other law.

> (8) Provisions not in derogation of any other law:- the provisions of this ordinance are in addition to and not in derogation of any other law for the time being in force.

6. While declaring that in presence of Section 13 read with Section 24 of RTI Act 2013, information cannot be withheld on the basis of Rule 10(6) of ACE Rules 2014, this Commission is guided by the principle laid down by Hon'ble Supreme Court of Pakistan in 2023 SCMR 1407 (Messrs Rajby Industry Karachi and others Vs Federation of Pakistan and others), 2021 SCMR 201 (Federal Govt employees Housing foundation Vs Malik Ghulam Mustafa and others) and 2017 SCMR 1218 (Syed Mushahid Shah and others Vs FIA and others).

7. From the comparison of applicable statues and precedents laid down by the Hon'ble Superior Courts of Pakistan, the inescapable deductions are:-

i) RTI Act, 2013, being special law on the subject of access to information shall prevail over any contrary provision contained in any other law including the Punjab ACE Ordinance, 1961 as well as rules framed under the same.

ii) In the present case, there is no conflict between provisions of two statues; rather the conflict is rooted in Rules framed by executive which run contrary to the legislative provisions. Such rules, when collide with provisions of any statue shall give way to the provisions of the latter.

In light of the above discussion, this complaint is allowed and objection taken by respondent public body is repelled, which is directed to provide certified copies of the documents mentioned at Serial Nos. e, f and g of RTI

Application to the complainant within 07 days , under intimation to this Commission.

8. In addition to deciding complaint arising out RTI Act 2013, this Commission is further tasked with the following functions under Section 6(5)(c) of RTI Act, 2013 read with Rule 10(2)(a) of RTI Rules, 2014;-

Section 6: Functions of the Commission:

(5) The Commission shall facilitate the application of the provisions of this Act and may–

(c) advise and provide support to the Government to make necessary laws and procedures for implementation of right to information.

Rule 10: Functions and Powers of the Commission:

(2) This Commission may:

(b)Examine various laws, rules, policies, by-laws, regulations or instructions and may suggest amendments to bring the law in conformity with the provisions of the Act.

9. Copy of this order shall be sent to Additional Chief Secretary, Services and General Administration Department (S&GAD), Government of the Punjab with a recommendation that necessary amendments be brought in the ACE Rules, 2014 in order to bring the same in conformity with RTI Act, 2013.

(Bushra Sahib)
Information Commissioner

(Muhammad Malik Bhulla)
Chief Information Commissioner

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

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

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

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

Glimpse of Awareness Session & Training of Public Information Officer











Visit of Chief Information Commissioner, Khyber Pakhtunkhawa Right to Information Commission






Punjab Information Commission
پنجاب انفارمیشن کمیشن


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2-DAY CONFERENCE OF THE
NATIONAL FORUM OF
INFORMATION COMMISSIONERS
RAMADA HOTEL, LAHORE
RAMADA







ANNUAL BUDGET 2024/2025

Detail Item Description	Budget 2024-25	Expenditures 2024-25
A01101-Basic Pay of Officers	1,475,000	1,287,722
A01106-Pay of contract staff	14,807,000	8,217,746
A01151-Basic Pay of Other Staff	1,753,000	1,682,990
A01202-House rent Allowance	3,463,000	2,638,269
A01203-Conveyance Allowance	465,000	438,484
A0120D-Integrated allowance	70,000	64,800
A01216-Qualification allowance	107,000	100,000
A01217-Medical allowance	252,000	230,768
A0121J-Transport monetization Allowance	2,400,000	1,478,870
A0121N-Personal Allowance	325,000	281,940
A01226-Computer allowance	9,000	9,000
A01241-Utility allowance for electricity	580,000	374,690
A0124H-Special Allowance-2021	560,000	513,348
A0124R-Adhoc Relief Allowance 2022	350,000	315,273
A0124T-Special Allowance 2022	340,000	314,945
A0124X-Adhoc Relief Allowance 2023	1,160,000	1,092,275
A0125E-Adhoc Relief Allowance 2024	865,000	814,627
A01270-Other	340,000	325,887
A01277-Contingent paid staff	1,823,000	1,480,985
A03201-Postage and telegraph	592,000	592,000
A03202-Telephone and trunk call	262,000	237,719
A03204-Electronic Communication	71,000	50,541
A03301-Gas	15,000	9,187
A03302-Water	35,000	32,635

A03303-Electricity	2,160,000	1,772,465
A03402-Rent for office building	6,770,000	6,764,148
A03805-Travelling allowance	207,000	142,940
A03808-Conveyance Charges (Govt.)	22,200	22,000
A03901-Stationery	468,000	466,803
A03902-Printing and publication	1,511,800	1,511,193
A03903-Conference / Seminars / Workshops / Symposia	605,000	602,030
A03905-Newspapers periodicals and books	77,000	71,443
A03906-Uniforms and protective clothing	56,000	55,616
A03942-Cost of Other Stores	42,000	41,503
A03955-Computer Stationery	762,000	759,954
A03970-Others	285,000	284,143
A13101-R & M of Machinery and Equipment	359,000	357,529
A13201-Furniture and Fixtures	130,000	127,136
Total	**45,574,000**	**35,563,604**

Challenges for RTI Law

1. Sufficient provision of funds in annual budget are not being provided for Procurements, Awareness Campaigns, Training of PIOs and publishing informative material for promotion of RTI.
2. Insufficient human resource is a serious hardship.
3. Non-Provision of regional offices to cater for the workload ever increasing in shape of RTI Complaints pouring in from 41 districts of the Punjab.
4. Incompetency of PIOs and non-responsiveness attitude of public bodies.

Amendments required to be proposed in the Punjab Transparency & Right to Information Act 2013 and the Punjab Transparency & Right to Information Rules 2014

1. The terms of legitimate privacy interest, legally privileged information, rules relating to breach of confidence need to be defined.
2. Record relating to pending matters needs to be exempted under section 13 (1) of RTI Act 2013.
3. All internal correspondence between Govt Officers/Official is to be exempted.
4. The requests need to be rejected/refused being vexatious, malafide or complaints filed on false pretext and for misuse the information.
5. Quorum of Commission should be 50% of the existing strength under Rule 11 (3) of RTI Rules 2014;
6. Section-17 be defined for prosecution of offence. Arrangement be made with Hon'ble Lahore High Court for assigning the task of prosecution to the Court defined;
7. Commission be allowed to raise its own funds.
8. CNIC should be mandatory for filing of RTI Application & Complaint;
9. Days for decision on a complaint should be increased 60 to 90 days for Commission
10. Filing of Application & Complaint through email should only be entertained if the applicant later on personally attend the concerned public body/Commission.
11. Power of execution of decision (through suo moto or on a complaint) after 30 days.
12. The terms of (Adequate Description & necessary details of information) (Personal Information Privacy of Person/Individual) are required to defined.
13. Vague & Ambiguous RTI Application/Complaint should be rejected by Public Body /Commission.
14. Habitual complaints should be discouraged.

PUNJAB INFORMATION COMMISSION

GOVERNMENT OF PUNJAB

64-Nursery Lane, Lawrence Road, Lahore.
Tell: 042-99205794