Has he provided the required information.

Registrar 19-06-23

ORDER SHEET
THE PUNJAB INFORMATION COMMISSION
64 Nursery-lane, Near China Chowk, Lahore, Punjab
Appeal # 14-2-2023-9
Abdul Qadir
Vs
MCL Lahore

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

15.6.2023 Complainant is present in person. None present on behalf of respondent Public Body.

2. Complainant is struggling since 28.1.2023 for disclosure of merit list, appointment orders and list of those candidates who were interviewed for the post of Naib Qasid in MCL Lahore. According to stipulated procedure he first of all filed RTI Application on 28.1.2023 directly to CO MCL but neither designated PIO nor CO as HOD responded to the citizen within 14 working days in violation of their statutory obligation.

3. The complainant then filed RTI Complaint before Commission on 14.2.2023 but till-to-date the information is not disclosed in-spite of 30 day's stipulated limit for Commission to ensure disclosure due to consistent apathy of office of CO MCL Lahore.

4. Commission has so far issued multiple directives, first directive on 14.2.2023 but nobody turned up on 2.3.2023. On 22.3.2023 Riaz Ahmad Superintendent MCL who knew nothing about RTI law or facts of this case entered his appearance and sought an adjournment. Again nobody appeared on 11.4.2023 and 9.5.2023. Mr. Riaz Ahmad Superintendent re-surfaced on 25.5.2023 when he misled the Commission by making a false statement that the matter was sub-judice before Hon'ble Lahore High Court Lahore. He was contradicted with record, therefore, he was issued a show cause notice. On next date Riaz Ahmad Superintendent did not appear to submit his reply to show cause notice nor any other representative of office of CO MCL Lahore appeared thus reply is still pending.

4. The above-mentioned summary of proceedings reflect utter disregard of RTI law by MCL. Seeing no other option a notice was issued to CO MCL on 06.06.2023 as Head of Administrative Unit with clear intimation that in case PIO or any other representative did not turn up on next date of hearing (15.6.2023) he shall be held responsible for consistent disregard for RTI Law by MCL Lahore. The

copy of order dated 6.6.2023 was dispatched to CO MCL through registered post. In addition a copy of said order was personally collected by Mr. Mudassir AD Legal on 7.6.2023. In these circumstances there is not an iota of doubt that CO MCL is fully aware of the order dated 6.6.2023 and about regretful proceedings of this case.

5. The Punjab Transparency & Right to Information Act, 2013 creates a statutory obligation for each public body for designation of a competent officer as PIO by Head of Administrative Unit for each office. The designation of a novice like Riaz Ahmad Superintendent by itself reflects irresponsible conduct of CO MCL Lahore. A PIO is responsible to respond to citizens within 14 working days by forwarding either certified copy of requisite information or a speaking order explaining the grounds of refusal of disclosure with reference to exemption contained in Section 13(1) of RTI Act 2013. Mr. Riaz Ahmad Superintendent (BS-16) who has been appearing occasionally without any input for access to information was recruited as a clerk and now at fag end of his career as Superintendent, he is not able to perform duties as PIO being ignorant of ABC of RTI Law. CO MCL's reliance on such dead-wood reflects that RTI law is not a priority for CO MCL.

6. The above summary of proceedings from 28.1.2023 till-to-date is nothing but a sad story of total non-responsiveness and dis-regard for RTI Law by MCL Lahore. We recall that uptil couple of months ago i.e before advent of present CO MCL Lahore, the performance of respondent body was very good due to personal efficiency of the then PIO Mr. Shabir Gujar but thereafter it has fallen down in deep abyss. It proves that personal interest of Head of Administrative Unit of any public body and competency of its PIO finally matter, missing in this case. As already noted the attention of CO MCL as Head of Administrative Unit was specifically drawn to the facts of this case warning that he will be held responsible for non-appearance of anyone. Copy of the order dated 6.6.2023 was dispatched to him through registered post but today again none has appeared, including Riaz Ahmad Superintendent who being totally naïve official has practically withdrawn to pursue this case. CO MCL is compulsively responsible for said lapses.

7. Rule 3 (4) of RTI Rules 2014 clearly shifts the reasonability of PIO to the respective head of administrative unit in case PIO is not designated or he is not available or if he utterly fails to perform his functions as in this case.

8. For what has been discussed above we have no option but to hold that CO MCL being HOD is mainly responsible for shameful conduct of RTI business by MCL Lahore. He is personally liable for ignoring his statutory obligations followed by express orders of Commission. His conduct has contributed for in-ordinate delay and obstruction for access to information, therefore, he is liable for award of penalty u/s 15 of RTI Act 2013. The delay for disclosure of information started w.e.f 17.02.2023 when 14 working days were completed after filling of RTI Application to CO MCL. Section 15 provides for award of fine to the delinquent public functionary equal to his two day's salary for each day of delay in access to information. The amount of fine if calculated for a period of 120 days from 17.02.2023 till-today (15.06.2023), the amount of fine shall certainly exceed than Rs. 50,000/-, i.e the maximum ceiling of penalty envisaged under the law. Consequently we hereby award a penalty of Rs. 50,000/- to CO MCL u/s 15 of RTI Act 2013.

9. Copy of this order be forwarded to Administrator MCL/ Commissioner, who shall ensure the disclosure of information as top head of MCL Lahore within 7 days positively by dispatching two sets of certified copies before Commission on 10.7.2023. He shall also pass an order of deduction of fine Rs 50,000/- from the monthly salary of CO MCL Lahore and shall ensure the submission the copy of such order before Commission on next date of hearing along-with two sets of certified copies of requisite information.

10. To come up for submission of compliance report on 10.7.2023

(Shaukat Ali)
Information Commissioner

(Mahboob Qadir Shah)
Chief Information Commissioner

(Dr Arif Mushtaq Chaudhary)
Information Commissioner