FAQS

1. What does RTI Stand for?

- RTI is abbreviation of "Right to Information". It stands for the Right of Citizens of “Access to Information” from public body.

2. What is legal status of RTI?

- RTI is acknowledged as fundamental right under Article 19 of Universal Declaration of Human Right (UDHR) 1948 and Article 19/A of the Constitution of Islamic Republic of Pakistan.

3. What is difference between RTI and FOI?

- Both RTI (Right to Information) and FOI (Freedom of Information) represent the same concept of "Access to Information". Out of 125 countries some have adopted this law under the name & style of RTI whereas rest have adopted as FOI.

4. Describe UN Resolution / Declaration acknowledging RTI / FOI as fundamental right?

- Resolution # 59(1) of UN General Assembly 1946.
- Article 19 of Universal Declaration of Human Right (UDHR) 1948.

5. Whether RTI is guaranteed under the Constitution of Islamic Republic of Pakistan?

- Yes, it is guaranteed as fundamental right under Article 19/A of the Constitution.
- Article 19/A was inserted in Constitution in the year 2010 which provides *“every citizen shall have the right to have access to*

information in all matters of public importance subject to regulation and reasonable restrictions imposed by law".

6. Whether RTI is enforced in Punjab under some legal framework?

- Yes, it is enforced under the law titled "The Punjab Transparency and Right to Information Act 2013" (PT & RTI Act 2013).

7. When did Govt of Punjab established Punjab Information Commission?

- Under Sect. 5 of PT & RTI Act 2013, the Punjab Information Commission (PIC) was established in March 2014.

8. What is the main role of PIC?

- PIC is a regulatory body to enforce PT & RTI Act 2013.

9. What are major functions of PIC?

- To dispose of RTI complaints / appeals against the orders of PIOs.
- To frame guidelines for PIOs and public bodies.
- To launch RTI Awareness Campaign for promotion of RTI Law.
- To undertake RTI Trainings/Workshops for Chief PIOs and PIOs.
- To lay Annual Report before Provincial Assembly of Punjab.
- Advisory role for Govt of Punjab to re-visit or amend laws.

10. Which kind of information is amenable to RTI Law?

- Any information held by a public body in any form (document, design, map, photograph, audio, video, machine readable document or any other material regardless its physical form or characteristics).

Section 2(f)

11. Who can file RTI Application?

- A citizen of Pakistan or a legal person registered or incorporated in Pakistan can file RTI Application.

Section 2(a)

12. How an applicant can apply for public information?

- On a prescribed information request form, if available.
- On a plain paper.

13. How RTI Application can be filed to PIO?

- By and
- By post
- By email

14. What are pre-requisites of RTI Application?

- A RTI Application must provide *adequate description* and *necessary details* of the requisite information.

Section 10(3)

15. How an applicant can exercise his "Right to Information"?

- The access to information can be made by;
    - Inspecting any work or document
    - Taking notes, extracts or certified copy of a document
    - Taking certified sample of any material and
    - Obtaining copy of information in electronic form

Section 2(j)(i)

16. Whether an applicant is liable to pay fee for filing of RTI Application/Complaint?

- Law prohibits charging of any fee for filing of both RTI Application or RTI Complaint – Section 10(6)

17. Whether an applicant is liable to pay fee to get certified copies of information?

- Under the law, information only up to 20 pages is provided free of cost whereas applicant is liable to pay Rs. 7/- per page in excess of 20 pages as per Schedule of Costs notified by the Commission – Section 10(6) & Schedule of Costs

18. To whom RTI Application may be filed?

- RTI Application may be addressed to PIO of the concerned office of the public body. There is no need to mention the name of PIO – Section 10(1)

19. What is definition of Public Body?

- Public Body means;
    - a department attached, autonomous, semi-autonomous, body of Govt, a company of Govt, special institution.
    - A local Govt.
    - Secretariat of Governor;
    - Any court, tribunal, office, Board, Commission, Council etc.
    - Provincial Assembly of the Punjab
    - Any statutory body
    - A Non-Governmental Organization substantially financed by public funds

Section 2(h)

20. Please describe the names of some Non-Governmental Organizations considered public bodies for the purpose of RTI Act 2013?

- Shaukat Khanam Hospital Lahore
- Sheikh Zayed Hospital Lahore
- Lahore GymKhana Club
- DPS Schools
- All Special Institutions

21. Whether it is mandatory for a public body to designate PIOs?

- Yes, it is mandatory for a public body under the law.
    - Law required to designate and notify, within 60 days of the commencement of the Act, as many officers as PIOs in all administrative units or offices under it, as may be necessary.

Section 7(1)

22. In case no PIO is designated in any office or is absent or non-available, who will process RTI Application?

- In above cases;
    - The person heading the respective administrative unit shall be deemed to be PIO under the Act.

Rule 3(4) of RTI Rules 2014

23. What is primary responsibility of PIO?

- A PIO is obligated to provide certified copy of public information to an applicant while performing his functions as prescribed under the Act.

Section 7(2)

24. Whether PIO can take assistance of other officers of public body?

- PIO may seek necessary assistance of any other officer. The officer whose assistance is sought is under obligation to render all possible assistance and in doing so such officer shall be deemed as PIO.

Section 7(3&4)

25. Whether the officer whose assistance is sought by PIO is liable for penalty for delay or any other complaint?

- In case of delay or any other complaint on the part of such officer whose assistance was sought by PIO, he shall be deemed to be PIO for the purposes of imposition of penalties under the Act.

Rule 3(6) of RTI Rules 2014

26. What are the responsibilities of a PIO for disclosure of information?

- PIO cannot require the applicant to disclose reasons for seeking public information.
- To reasonably assist illiterate and disabled citizens to write RTI applications.
- To register each RTI application in RTI Register and issue an Acknowledgement Receipt to the citizen.
- In case RTI request is not filed to the right quarter, then to immediately transfer the application to PIO of the office concerned under intimation to applicant vide Sect. 11.
- To scrutinize and decide which information can be readily disclosed and which information can be denied being exempted under the law.
- To retrieve the record and prepare certified copies thereof.
- To make all possible efforts to dispatch certified copies of requisite information within 14 working days at the given address of citizen.
- To immediately dispatch certified copies of 20 pages free of cost.

- In case of information in excess to 20 pages, PIO shall charge Rs. 7/- per page for disclosure.
- If information cannot be disclosed within 14 working days, the citizen may be intimated the tentative date of disclosure but maximum time limit is 28 working days.
- In case the requisite information is hit by any of eight exemptions u/s 13(a) or the requisite information is not available, PIO must pass a Speaking Order stating such facts and forward the same to citizen concerned.

27. What should a PIO do if the requisite information is up to 20 pages?

- PIO shall prepare certified copies by certifying each page in terms of Section 10(9) and forthwith forward at the given address of Complainant making all efforts to be delivered within 14 working days.
- If information cannot be retrieved within 20 days, it must be provided maximum within 28 days but the applicant shall be apprised of said delay.

28. What should a PIO do if the requisite information is comprised of more than 20 pages?

- PIO shall immediately forward certified copies of 20 pages free of cost at the given address of Complainant.
- Alongside PIO shall intimate the applicant exact number of pages excess than 20, to be delivered subject to charging of fee @ Rs. 7/- per page. PIO shall work out and intimate the chargeable amount along with the head of account to deposit the same for provision of information in excess of 20 pages.

29. What should PIO do if information is exempted according to his evaluation?

- Where PIO considers that the requisite information is exempted u/s 13(1), he shall pass a Speaking Order and forward the same to applicant stating the reasons for such decision, also intimating that he may file an Internal Review or RTI Complaint before Commission against his Speaking Order.

Section 10(8)

30. When PIO is bound to disclose information within 2 working days?

- A PIO shall provide the information relating to life or liberty of a person within 2 working days of the receipt of RTI Application.

Section 10(7)

31. What are the modes of disclosure of information by PIO?

- PIO can disclose information;
  - Prepared from the public record or
  - The copy of public record
- In both cases,
  - A certificate shall contain at the foot of each page that the information is correct or copy is a true copy or such public record.
  - The certificate shall be dated, signed and stamped by PIO.

Section 10(9)

32. What is the responsibility of any officer when he receives an application for information which does not pertain to his office?

- The officer who receives the RTI Application shall immediately transfer the same to the PIO of concerned office under intimation to the applicant. Section 11(1)

33. What is the responsibility of officer receiving RTI Application by way of transfer?

- The PIO who receives RTI Application by way of transfer shall process as if he had directly received u/s 10.

Section 11(1)

34. When PIO may refuse an application for access to information?

- A PIO can decline the provision of public information where harm is likely to be caused to;
  a) National defense and security
  b) Legitimate privacy interest of third person
  c) Legally privileged or relating to breach of confidence (confidential)
  d) Legitimate commercial interests (of public body or third person)
  e) Life and safety of any person
  f) Prevention & Detection of crime / Apprehension & Prosecution Administration of Justice.
  g) Ability of Govt. to manage economy
  h) Pre-mature disclosure of policy matter or which restrains the free & frank provision of advice within the Govt.

Section 13(1)

35. Whether PIO can decide the disclosure or non-disclosure on the basis of *public interest*?

- No. Only Commission can determine the *public interest* in making disclosure or non-disclosure of any information and may direct accordingly having no regard to 8 exemptions provided u/s 13(1).

Section 13(2)

36. How a public body implements transparency for its affairs?

There are two modes to implement transparency.

a) In Pro-Active manner through official website u/s 4.
b) In Re-Active manner by disclosing information by PIO pursuant to RTI Applications u/s 10.

37. What kind of information a public body is bound to voluntarily disclose in Pro-Active Manner?

- powers and functions of its officers and employees;
- norms and criteria set by the public body for the discharge of its functions;
- Acts, Ordinances, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body in the discharge of its functions;
- a statement of categories of information being held by the public body;
- a description of its decision-making processes and any opportunities for the public to provide input into or be consulted about decisions;
- a directory of its officers and employees with their respective remuneration, perks and privileges;
- budget of the public body including details of all proposed and actual expenditures;
- amount of subsidy and details of beneficiaries if the public body provides any subsidy;
- particulars of the recipients of concessions, permits or authorizations granted by the public body;
- facilities available with the public body for obtaining information held by it;

- name, designation and other particulars of the public information officer of the public body; and
- any other information that the Government may notify in the official Gazette.

Section 4

38. What are the responsibilities of public bodies for maintenance & indexation of information?

- Each public body is obligated for following measures for easily retrieval of information by citizens;
    - To maintain information in an easily accessible form.
    - To computerize or maintain information in electronic form.

Section 8

39. Whether a public body is liable of publishing the Annual Report?

- A public body is under obligation to publish Annual Report in electronic form or other wise of its activities under the Act during the previous financial year by 31st August and make the report available for public inspection free of cost and for purchase at a reasonable cost.
- Since law places responsibility on public body as a whole, therefore, primary responsibility for publishing of Annual Report rests on HOD / Head of Administrative Unit.

Section 9

40. What are the rights of an applicant in case of non-disclosure of information within 14 working days or for being aggrieved of the order of PIO?

- To file an application of Internal Review to head of public body within 60 days of the order of PIO. Section 10(8)

or

- To file RTI Complaint to Punjab Information Commission.

41. What are the powers of head of public body while disposing of application of Internal Review?

- To exercise any of the powers of PIO under the Act.
- To decide application within 14 days of the receipt of application.

Section 12(3)

42. What are the grounds for filing of application for Internal Review or RTI Complaint?

- Failure by PIO to comply with any provision of the Act.
- Unreasonable behaviour of PIO.
- Provision of incomplete, misleading or false information.
- Any other matter relating to access to information.

Section 12(1)

43. What are pre-requisites for filing of RTI Complaint?

- A brief application addressed to Chief Information Commissioner Punjab assailing the order of PIO or for grievance of his misconduct.
- Copy of RTI Application must attach the copy of receipt diary number or dispatch receipt and the Order of PIO, if applicable.

44. How RTI Complaint can be filed?

- By hand
- By Post
- By Email

45. What is the time limit available under the Act for Commission to decide a RTI Complaint?

- The Commission shall decide a Complaint within 30 days of its receipt or for good reasons to be recorded in writing within 60 days.

Section 6(2)

46. What are the main functions of Commission?

- The Commission may;
  - Conduct an inquiry on its own accord or on a complaint.
  - Determine public interest in terms of Sect. 13(2).
  - Decide RTI Complaints withing 30 days or for good reasons within 60 days.
  - May exercise powers of civil court to summon and enforce attendance, examine and inspect information, receive evidence on affidavits etc.
  - Issue directives to public bodies.
  - Prescribe procedure for access to information.
  - Advise and provide support Govt to make necessary laws and procedures.
  - Conduct trainings for PIOs.
  - Undertake mass awareness campaign.
  - Establish an information web-portal.
  - Preparation of Annual Report to lay before Punjab Assembly.

Section 6

47. When PIO is liable of misconduct?

- PIO is liable of misconduct when;
  - Refuses to receive an application without any reasonable cause.

- Does not furnish information within time limit.
- Mala-fidely denies the request.
- Knowingly gives incorrect, incomplete or misleading information.

Section 15

48. Whether the Commission can impose penalty on PIO for misconduct?

- The Commission may, after providing sufficient opportunity of defense to PIO, direct him to pay fine not exceeding 2 days' salary for each day of delay or to pay fine which may extend to Rs. 50,000/-.

Section 15

49. Whether any order or decision made under the Act can be called in question by filing a civil suit?

- A court shall not entertain a suit, application etc. in respect of any decision made under the Act.

Section 18

50. What is the legal remedy available against the order of Commission?

- Although the Act does not provide any forum to assail the orders of Commission yet a citizen can always assail the order of Commission by filing a Writ Petition invoking over-arching constitutional jurisdiction of High Court.

51. In case of conflict of RTI Act with any other law, which shall prevail?

- RTI Act shall take precedence over any other law in respect of any matter related to access to information.

Section 26

52. Which authority determines the Schedule of Costs?

- In exercise of Sect 10(6) of the Act, Punjab Information Commission determines and notifies the Schedule of Costs.

53. What are salient features of notification of current Schedule of Costs?

- No fee is required for filing of RTI Request.
- No fee cost of correspondence is charged.
- No cost is charged of computer printed papers or photo copy charged for information up to 20 pages.
- The cost of computer printed papers or photo copy charges for information in excess of 20 pages is Rs. 7/- per page.
- When information is disclosed through electronic device, the actual cost of such device (CD, Diskette, Floppy, Cassette, Video etc) shall be charged. However, no cost is to be charged if applicant provides the electronic device.
- No cost is charged for inspection of any work.
- Charges of inspection of record / documents are Rs. 10/- for first hour and Rs. 5/- for each extra 15 minutes.

Schedule of Costs

54. Whether the Commission is empowered to prescribe procedures and issue directives to public bodies for access to information?

- Yes, law empowers the Commission being custodian of RTI Act to issue any directive or frame procedures for public bodies for improved access to information.

Section 5(a&b)

55. Whether an applicant is required to personally appear before PIO or Commission for filing of RTI Application / Complaint or otherwise?

- No. An applicant is not bound to personally appear before PIO or Commission.
- However, PIO or any other officer is bound to appear before Commission as & when summoned.

Section 6(3)

56. Why PIO or Commission are bound to dispose of RTI Application / RTI Complaint respectively even if the citizen does not appear?

- The functions of PIO or Commission are inquisitorial and not adversarial because they deal with public matters instead of private matters. Secondly, Right to Information being fundamental right is superior as against ordinary right and need to be implemented at all events. Thirdly, most of requisite information is liable to be disclosed pro-actively without filing of any RTI Request. The cumulative effect is that personal appearance of citizen is not mandatory under the Act.

57. Whether PIO requires approval of competent authority for disclosure of information?

- The office of PIO is creation of law vide Section 7.
- He is fully competent to decide the disclosure or non-disclosure of information vide Section 10 having no regard to approval of competent authority.
- PIO is to make decision in the light of guidance provided u/s 2(f) r/w Section 13(1) of the Act.

58. Which country is pioneer of modern RTI Law?

- Sweden

59. Who is founding father of modern RTI Law?

- Anders Chydenius
  Swedish Finnish Prist and Member of Swedish Riksdag
  (1729 – 1803)
- Notable ideas – (Economic Liberalism, Freedom of Religion, Freedom of Speech etc.)

60. What are the practical benefits of implementation of Transparency in public bodies?

- Efficient public service delivery
- Merit based working
- Responsiveness
- Rule of Law
- Elimination of corruption
- Good-Governance

61. What are the traits of a passionate PIO?

- Responsive
- Efficient
- Alive to Human Rights

62. Why PIO or Commission are bound to dispose of RTI Request even if citizen does not appear for hearing?

- RTI Law involves disclosure of matters of public importance which are liable to be disclosed in pro-active manner having no regard to any RTI Request.
- RTI Request does not involve a matter between two private parties rather public bodies are always respondents who are always answerable to the citizens.
- The proceedings under RTI Act are inquisitorial and not adversarial.

In view of above facts, PIO or Commission are bound to dispose of RTI Request on merits having no regard to the appearance of applicant.

63. Whether minutes of meetings are exempted from disclosure?

- Not covered u/s 13(1)(h) as minutes incorporate the findings which leads to final order to be enforced, issued or used attracting Section 4(d).

64. Whether internal notings are exempted from disclosure?

- Since internal notings are only free & frank consultations hence exempted u/s 13(1)(h).

65. Whether tenders & work orders are exempted under the Act?

- A public body u/s 4 is bound to disclose details of financial matters along with beneficiaries, therefore, not exempted.
- Such disclosure promotes accountability of decisions of public body as per Preamble of the Act.

66. Whether CCTV Footages covering public functions are exempted from disclosure?

- No. Under Section 2(f) – Any information held by public body in shape of audio, video, film or prepared through electronic process fall within the definition of Information amenable to RTI Law.

67. Whether disclosure of arm licenses is exempted for bearing particulars of beneficiaries?

- The accountability of Home Department for acting upon the stipulated procedure for issuance of arm licenses cannot be ensured without disclosure of full particulars of licenses.

- Disclosure of names and qualifications on licenses, degrees, work orders or other documents issued in the discharge of public functions is never exempted.

68. Whether reports of Foreign & Pakistani Evaluators in public universities are exempted under RTI Law?

- Foreign & Pakistani Evaluation Reports, once the process is completed, are liable to be disclosed for accountability as envisaged under the Preamble of the Act.
- However, personal particulars of examiners and evaluators are exempted from public disclosure to maintain confidentiality and security.
- PIO may provide certified copies subject to deleting names & other particulars of examiners / evaluators.

69. Whether solved papers of PPSC and other public modes are liable to be disclosed?

- Once result is pronounced, solved papers no longer remain confidential or secret material hence liable to be disclosed.

70. What are main criterion for disclosure of any public information by PIO?

- It must be held by public body.
- It should not be exempted under any of 8 exemptions provided u/s 13(1) of RTI Act 2013.

Mahboob Qadir Shah
Chief Information Commissioner
Punjab Information Commission

Dated: 1st July 2021